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REPORT

OF THE

COMMISSION TO INVESTIGATE PENAL SYSTEMS

FLETCHER W. STITES, Chairman

ALFRED E. JONES

ALBERT H. VOTAW

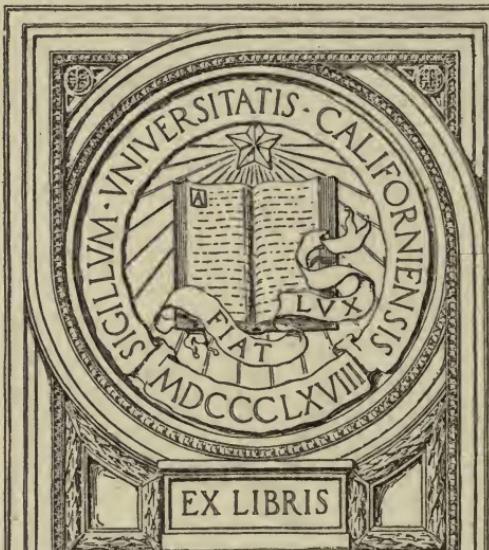
LOUIS N. ROBINSON

MARTHA P. FALCONER

PHILADELPHIA
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COMMONWEALTH OF PENNSYLVANIA.

REPORT OF COMMISSION TO INVESTIGATE PENAL SYSTEMS.

To the General Assembly:

Your Commission duly appointed pursuant to Act of the Legislature, No. 409, 1917, "to investigate the prison systems and the organization and management of correctional institutions within this Commonwealth and elsewhere; to recommend such revision of the existing prison system within this Commonwealth, and the laws pertaining to the establishment, maintenance and regulation of State and County correctional institutions within this Commonwealth as it shall deem wise, and to report the same to the General Assembly at the session of 1919," respectfully submits the following report of its proceedings, together with its conclusions and recommendations and proposed bills for carrying the same into effect.

The Commission was constituted as follows:

Fletcher W. Stites, Narberth, Chairman,
Alfred E. Jones, Uniontown,
Mrs. Martha P. Falconer, Darling P. O.,
Louis N. Robinson, Swarthmore,
Albert H. Votaw, Philadelphia.

On November 1, 1917, the members of the Commission met in the City of Philadelphia, for the purpose of organization and assigned the work of investigation which had been committed to it to the several members thereof. On July 1, 1918, the Commission retained Dr. George W. Kirchwey, of New York City, as its counsel to direct the subsequent course of the investigation and to aid the Commission with his counsel and advice.

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I.

SCOPE OF INVESTIGATION.

The Commission was fortunate in having in its personnel as thus constituted four members, including its counsel, who had through long experience and previous investigations acquired considerable information as to penal institutions and their management in this and other States. The investigation covered:—

(1) A careful study and analysis of the laws governing penal conditions and institutions in this Commonwealth;

(2) An examination of the six correctional institutions directly controlled by the State, namely:

The Eastern Penitentiary, at Philadelphia;
The Western Penitentiary, at Pittsburgh;
The New Central Penitentiary, at Bellefonte;
The State Industrial Reformatory, at Huntingdon;
The Pennsylvania Training School, at Morganza;
The State Industrial Home for Women, at Muncy;

(3) A similar examination of the Glen Mills Schools—the Girls' Department, Sleighton Farms, at Darlington, and the Boys' Department at Glen Mills;

(4) A similar examination of the Philadelphia House of Correction and of the County Convict Prison at Holmesburg, Moyamensing Prison in Philadelphia, the Allegheny County Workhouse at Hoboken and many other county institutions;

(5) A study of the constitution, organization and functions of the State Board of Public Charities, and specifically of those of its Committee on Lunacy;

(6) A study of the powers and activities of the Prison Labor Commission instituted under the Act of June 1, 1918;

(7) A careful survey of the entire history of the penal system of the Commonwealth of Pennsylvania from the colonial period down to the present time, based on the historical research of Professor Harry E. Barnes of Clark University, Massachusetts;

(8) An investigation of significant correctional institutions in several other States, notably in New York, New Jersey and Ohio.

To supplement and enlarge the range of these inquiries and studies, the Commission was permitted to avail itself of the results of previous investigations conducted by two of its members; on the Employment and Compensation of Prisoners in Pennsylvania, by Professor Louis N. Robinson, as Secretary of the Penal Commission of 1913-1915, and on the county jails and workhouses, made periodically from 1914 to 1918 by Albert H. Votaw, as Secretary of the Pennsylvania Prison Society.

The Commission desires to express its sense of deep obligation to the officials and inspectors of prisons in this Commonwealth for the courtesy and hospitality extended to its members in the course of their investigations. It also acknowledges its indebtedness to the Secretary and members of the Board of Public Charities and to the Secretary of the Public Charities Association for their helpful co-operation.

The Commission has heretofore submitted to the Governor two preliminary reports, one a Special Emergency Report on Prison Labor, bearing date September 1, 1918, and a special report on the State Industrial Home for Women, under date of September 15, 1918, both of which are hereto appended.

While both these reports were called out by war emergencies, the former by the dearth of labor power to man the war industries of the Commonwealth, the latter by the need of providing a place for the detention and treatment of the large number of dissolute women convicted of offenses against Fed-

eral and State laws enacted for the protection of the soldiers in the training camps—the Commission believes that they are still pertinent and that the recommendations which they contain should form a part of any constructive scheme for the improvement of the penal system of the Commonwealth.

II.

DEVELOPMENT OF PENAL SYSTEM OF PENNSYLVANIA.

The most inspiring and significant chapter in the history of penology is not the achievement of John Howard in redeeming the common gaols of England from the degradation into which they had fallen, nor of Lord Romilly in his lifelong struggle against the barbarities of the English penal laws, but the leadership which for more than a century the Commonwealth of Pennsylvania gave to the world both in prison reform and in the amelioration of the penal code. The two former were the revolt of sensitive and humane natures against hoary abuses; but the latter was all this and something more. It was a bold and imaginative reconstruction of the whole basis of penal discipline. As far back as the last quarter of the seventeenth century the Quaker colonists of Pennsylvania introduced for the first time the practice of employing imprisonment at hard labor as the ordinary method of punishing anti-social action. After the reversion of the American colonies for fifty years to the barbarous criminal jurisprudence of the mother country, Pennsylvania was the first State, the first community in the world, to break with this system and to substitute imprisonment for the various brutal and degrading types of corporal punishment. The Walnut Street Jail in Philadelphia, in 1790, was the earliest institution in America in which these more enlightened principles were put into practice. From this second beginning, for a period of forty years, Pennsylvania was elaborating and perfecting the first of the two great systems of penal administration which were destined to dominate the penology of

the civilized world during the nineteenth century—the separate confinement of malefactors. Visited, admired and imitated by large numbers of eminent and enthusiastic European penologists, the Eastern Penitentiary at Cherry Hill was the pivotal point linking American and European penology for more than a generation after 1830.

Then followed that long period of inertia, of lassitude, of marking time, which is so apt to succeed to a period of ardent reforming energy and which to this very day has maintained its spell over the State and the Nation.

Not that there have not in the last half century been notable improvements in the theory and practice of penal administration, some of them bold enough to bring America from time to time into the forefront of interest and example to the penologists of the Old World, but in most of these the Commonwealth of Pennsylvania has been content to play a secondary role. Throughout this era of slackened energy she has not cared or dared to initiate, to lead, to "carry on," but has followed belatedly and afar off the progress of other States. Examples of this are the Auburn congregate system, which divided with the Pennsylvania system of solitary confinement the interest of European as well as of American penologists, and which was adopted in the Western Penitentiary in 1869, a full generation after its establishment in New York State, and which has only recently conquered the parent institution on Cherry Hill; the justly famous Elmira experiment of progressive classification and industrial training of inmates embodied in the Huntingdon Reformatory in 1889, and the long-promised reformatory for women at Muncy, which six years after its creation by legislative action, has not yet been rendered available for the purpose for which it was designed.

The first step in the development of an intelligent conception of delinquency and its treatment came not in an accurate conception of the nature of crime and its causes, but in a clearer and more correct notion of the function of punishment. By

1790 the element of deterrence in punishment was recognized and emphasized. The element of reformation was a cardinal point in the theory and practice of the Philadelphia Society for Alleviating the Miseries of Public Prisons, and this Society did its best to infuse this doctrine into the Pennsylvania system of prison administration. Before 1830 it was very generally asserted that reformation, as well as deterrence and social revenge, was to be regarded as a chief aim of punishment, though the offender was still regarded as an unregenerate free moral agent.

This theory of crime received a severe shock in the "forties" from the investigations of Dorothea L. Dix and others, who showed the great prevalence of insanity and idiocy among the delinquent classes. It could scarcely be denied even by the traditional jurists that the exercise of free will was likely to be seriously impeded by insanity or feeble-mindedness. From 1860 to the beginning of the present century the most notable advances toward a more intelligent conception of crime and its treatment consisted in the gradual but definite triumph of the notion of detention and punishment as agencies for reformation rather than as instruments of social revenge.

For more than a century of its history the penal, reformatory and correctional institutions of Pennsylvania were limited to the county jails and the few and scattered workhouses, which were erected mainly in conjunction with the almshouses. In the jails there could be no approach to anything like a differentiated treatment of delinquents. In them were herded promiscuously those imprisoned for debt, those convicted of crime and those accused or held as witnesses; those of all ages and both sexes; those convicted of all categories and grades of crime punishable by imprisonment; those of all mental states—normal, feeble-minded, neurotic, psychotic, epileptic. The few colonial workhouses were employed as little more than an agency for suppressing vagrancy.

The first step in a differentiated treatment of crime and criminals came with the erection of a semi-state prison in the Walnut

Street Jail in 1789-90. This provided for a partial differentiation between those convicted of the more serious crimes and those convicted of petty offenses or awaiting trial. It did not however, attempt any scientific differentiation on the basis of age, sex or mental state. Children and adults, male and female, sane and insane, were confined in contiguity. The opening of the State penitentiaries at Allegheny and Philadelphia in 1826 and 1829, with their fundamental principle of solitary confinement, carried further the process of differentiation, but still continued to apply the same general type of treatment to all incarcerated inmates. It was a system of separation rather than of a differentiated treatment of special types of prisoners.

The second important development in the direction of specialization in the provision of institutional treatment of delinquents appeared in the establishment of a House of Refuge for juvenile delinquents in Philadelphia in 1828. Though this was at first a private rather than a State institution and was of very limited capacity, it marked an epoch in the progress of Pennsylvania penology by making possible some elementary differentiation on the basis of age, degree of criminality and relative susceptibility to reformation. The next attempt at further differentiation came with the erection of the State Hospital for the Insane at Harrisburg between 1841 and 1851, chiefly as a result of the agitation initiated by Dorothea L. Dix. This and the other State hospitals for the insane, subsequently erected, provided for a treatment of the more important types of mental disorder, though no adequate provision was made for removing the insane from the prison. Not until 1905 was an act passed providing for the erection of a State hospital for the criminal insane at Fairview which was opened in 1912.

During the quarter of a century following 1850 there was an active agitation to provide a means of differentiating the treatment of criminals on the basis of age, sex and degree of criminality. The first important achievement in this direction was the further development of reform schools for juvenile

delinquents through the removal and enlargement of the Philadelphia House of Refuge in 1850-54 and the erection of the Western House of Refuge at Allegheny during the same period. Juvenile delinquents, if petty offenders, could thereafter be removed from their degrading confinement in the State prison or worse county jails and receive the properly specialized treatment which their circumstances demanded. No provision for the differentiated treatment of the less definite and confirmed types of adult delinquents was made until the opening of the reformatory for men at Huntingdon in 1889 and the authorization of the State Industrial Home for Women at Muncy in 1913. The provision of reformatories and juvenile correctional institutions marked a double process of differentiation, in that these institutions not only called for a diversity of treatment according to age, sex and degree of criminality, but also from the fact that they were clearly differentiated from the State prisons and the county jails in making reformation rather than punishment or detention their chief aims.

Along with this development of a properly differentiated system of treating the delinquent population, has gone the growth of specialized institutions for dealing with the closely related class of defectives, which was once treated indiscriminately along with the delinquent classes when its members were guilty of criminal action. The State institution for feeble-minded at Polk, opened in 1893, and at Spring City, provided by an act of 1903, and the State Village for Feeble-minded Women at Laurelton, not yet available for use, are designed to furnish scientific treatment for large numbers of those who would today be confined in the State prisons or county jails, if the ideas and institutions of 1840 prevailed. Even an institution for inebriates was contemplated in an act of 1913.

But this vital and all important process of the differentiation, classification and specialized treatment of the delinquent and defective classes has now proceeded far beyond that most elementary stage of furnishing separate institutions for dealing

with the most general classes of delinquents and defectives. It has been found that the terms defective, insane and criminal have only a legal significance and are practically useless when involving the problem of exact scientific analysis and treatment. Each general class of delinquent boys, of defective girls or of criminal adults, for instance, is made up of distinguishable and distinct types which demand specialized treatment in the same way that it is required for one general class as distinguished from another. Though it is as yet very imperfectly developed, the present tendency is for each institution to differentiate into a number of specialized departments, each designed to provide the proper treatment for one of these types.

Finally, within the last decade beginnings have been made in what is likely to be an important future development, namely the non-institutional care of the less pronounced and confirmed types of delinquents, particularly of delinquent minors. The developments along this line have, up to the present, consisted chiefly in the adoption of parole systems in all the State penal, reformatory and correctional institutions and in a more liberal use of the suspended sentence and probation. The recently established Municipal Probation Court of Philadelphia is a pioneer in Pennsylvania in this promising new development in the preventive treatment of the less confirmed type of delinquents.

Looking at the whole matter as it stands today, it cannot be said that conditions in Pennsylvania are in any material respect either better or worse than in other progressive States, except in the one matter of the useful employment of the convict population. Here, as elsewhere, some lucky chance has placed a man or a woman of exceptional qualifications at the head of an institution, one who has by his strong personal initiative made the best of a bad situation, as in the case of the Eastern Penitentiary, or who has, with something akin to genius, seized upon a new opportunity, as in the case of the Girls' School at Darlington and the new Penitentiary foundation at Bellefonte. But these are sporadic and exceptional developments and have

furnished no new principle of a revolutionary character to mark the dawn of a new era in penal administration.

Meanwhile the hopeless and demoralizing idleness to which most of the inmates of the Eastern Penitentiary and of most of the county institutions of the Commonwealth are doomed, is a spectacle in which the people of Pennsylvania can take nothing but shame. But even if this is remedied, as it should be at once by drastic legislative action, Pennsylvania will have done no more than reach the level of penological theory of the Quaker innovators of the seventeenth and eighteenth centuries. The step is an imperative one, but it will not restore to the Commonwealth the proud position of leadership which once was hers, which is still, by virtue of past achievements and by common fame, attributed to her.

While we have thus been dreaming, tardily and ineffectually putting into effect the aspirations of a long-distant past, a new penology has come into being, based not on humanitarian sentiment or on "the common sense of most," but on the scientific study of the delinquent and his environment. New sciences of psychology, psychiatry and sociology have been forged to meet the conditions of the new day and these have furnished us with a new basis for penological experimentation. We have learned that the criminal is not merely a person who has in the exercise of an unfettered will chosen the evil rather than the good, but a person of complex personality shaped by heredity and environment to what he is, none the less a menace to society than the older conception made him, not the less requiring restraint and correction, but demanding and deserving individual treatment according to the nature which has been developed in him. We have learned from recent scientific study of the most rigorous and trustworthy sort that from 50 to 60 per cent. of the inmates of our correctional institutions are abnormal—feeble-minded, insane, psychopathic—to the point of irresponsibility, to all intents and purposes the same kind of people that fill our hospitals for the insane and institutions for the feeble-minded. We have also learned, from sociological case studies, that a very

large proportion of those that the psychiatrist would class as normal are the victims of neglected childhood and of the depraving influences of the institutions in which they have spent a great part of their young lives.

It seems clear that this new knowledge makes for a new classification, based not, like that of the Elmira system, on behavior in confinement, nor, like that of the current penology, on the character of the crime committed, but on the exact study of the individual and that the treatment accorded him must be adapted to the results of such study.

Here, then, is the new opportunity for a further advance out of this slough of despond—an opportunity not inferior to that which this Commonwealth so superbly grasped in its heroic youth—to bring its penal administration into conformity with the newer conceptions of delinquency. Tinkering the old machine is not enough. It must be remodeled altogether. Adding to the powers of a board of inspectors here, curbing them there, setting up new boards and commissions to direct the doing of this, to restrain the doing of that—all these are but a part of the old game, which will after all continue to be played in very much the old perfunctory way. What is demanded is a genuine reconstruction of the penal system of the Commonwealth, one which shall, with as little disturbance to the existing management of the several institutions as possible, put at their service all the resources of the new knowledge of crime and its treatment. It is the purpose of this report to suggest the lines of this future development of our penal system.

III.

GENERAL CHARACTERISTICS OF PRESENT PENAL SYSTEM.

As the foregoing outline indicates, the several State institutions of a penal, correctional and reformatory character, with the two Glen Mills Schools (which, though largely under private management, are essentially public institutions) have been

developed at different times, under the influence of changing conceptions of social responsibility for different types of offenders. As a result of this circumstance each is separately managed by a board of inspectors or managers, which exercises complete control over the policy of the institution to which its authority extends. This Board appoints the Warden or Superintendent, fixes his or her compensation, determines the industrial and educational policy of the institution and, under the authority of the Legislature, disburses the funds appropriated for its maintenance. The disciplinary policy of the institution is almost invariably entrusted to the Warden or Superintendent and, as is natural, if that official happens to be a person of strong individuality and initiative, his policy in practice, if not in theory, governs the entire administration. Nowhere is there a centralized authority exercising a general control of an effective influence. The only approach to such a general agency is the State Board of Public Charities, which may investigate and require the submission of an annual report, and the Prison Labor Commission, which exercises a general supervision over the industries of the two penitentiaries and the Huntingdon Reformatory, but which has no effective power to carry its plans into execution. There is, accordingly, no uniform policy even in the case of institutions like the two Glen Mills schools, which have a similar type of inmates and an identical aim, nor in the case of all the institutions under consideration in matters where their problems and needs are the same. That there are advantages in this policy of separate control cannot be denied. It gives to an energetic and progressive superintendent or board of managers a degree of initiative in reform and experimentation, which, under a highly centralized control of all the institutions, it would be difficult to secure. On the other hand it may have the effect of depriving the individual institution, because of its poverty or because of the reactionary character of its administration, of the benefits of an advance which may have been made elsewhere. There could not be a better illustration of the unevenness of development resulting from this

lack of co-operation in the Pennsylvania prison system than the fact that the Eastern Penitentiary was compelled to wait for the initiative of its present Warden for the partial adoption of the congregate system, which had for forty years existed in the Western Penitentiary, and which had everywhere demonstrated its superiority over the system of solitary confinement.

Upon the whole, however, what strikes the thoughtful observer is not the diversity of policy and management among these institutions, even where they have avowedly different aims, but their conformity to a common type, and that the prison type. With only two exceptions—Sleighton Farms and the Training School at Morganza—the persistent shadow of the Penitentiary rests upon them all. It is true that in the new Central Penitentiary on its broad acreage at Bellefonte and in the Eastern Penitentiary, so far as the physical and industrial conditions render possible, the shadow has been lifted, but it is safe to say of the penal system of the State as a whole, that it is still too much dominated by the ancient ideal of demonstrating to the inmates that "the way of the transgressor is hard." Even in institutions of a purely reformatory character, while they leave little to be desired in the way of healthful conditions of living, orderly administration and educational opportunities, the reformation of the wrong-doer is still too much sought through a system of stern repression, of "iron discipline"—a system which, as all experience shows, defeats its end by crushing out the finer elements of character on which the redemption of the individual must depend. An almost invariable incident of this type of disciplinary control is the persistence of the policy of securing good conduct through punishment—often severe punishment for trivial offenses—rather than by the more enlightened and humane method of holding out incentives to good behavior, either by the grant of special privileges or by putting on the inmates themselves the responsibility for the good behavior of all.

Other instances of the persistence of the traditional attitude toward the offender are the almost complete lack throughout

our penal system of a scientific, balanced ration, such as has in the experience of prison administrators in other States, as notably at Sing Sing Prison in 1916, and more recently in our army camps, demonstrated the value both for health and efficiency and from the point of view of economy of a scientific management of the problem of food supply for large masses of men; the general indifference to outdoor recreation and exercise, so essential to the health and morale of the inmate body; the meagre provision for any education worthy of the name; the all but complete lack of comprehensive and well rounded systems of vocational or industrial training, on which the efficiency of prison labor and the ability of the inmates to "make good" in the world of industry after their release so largely depends; the demoralizing idleness which is still after three decades of effort the most marked characteristic of our prison system; and, finally, the insufficient care for the physical and mental health of the inmates of our correctional institutions, which still for the most part mingle indiscriminately together the tuberculous and syphilitic with those who are sound in body and the insane, psychopathic and defective with those who are sound in mind.

Many of these conditions which continue to put the brand of the prison on the inmates of our correctional institutions are doubtless due to the survival of the Bastille type of prison architecture, which is exemplified in the Eastern and Western Penitentiaries and in such structures as Moyamensing Prison in Philadelphia, the Convict Prison at Holmesburg, the Philadelphia House of Correction and many others. It is scarcely too much to say that no human being is vile enough to deserve confinement in such a place or dangerous enough to need it. Even the most unbending of the old type of prison official will concede that 80 per cent. of the inmates neither need nor deserve to be confined behind triple bars of steel or in cells like catacombs or within walls like those of Egyptian tombs. Keepers and inmates alike lose half their humanity by confinement in these grim and forbidding structures. No reforming influence

however humane and generous, can long survive in their atmosphere.

Public opinion is at last moving away from this antiquated type of prison architecture to the newer type represented in the honor prison at New Hampton Farms in New York and in our Commonwealth in the cottage colonies at Sleighton Farms, Glen Mills, Morganza, and Muncy. The change which comes over the men who are transferred from the Western Penitentiary to the new prison site in Centre County is a sufficient commentary on the older type of prison, and demonstrates beyond peradventure the duty of affording to all of our convict population a similar life of freedom and opportunity. This result, so desirable from every point of view, could in large measure be attained in a short time by equipping the Eastern Penitentiary with a suitable area of farm land in the Eastern Section of the State and by making immediate provision for the institution of State industrial farms for the convicts confined in the county prisons, as is recommended elsewhere in this report.

IV.

PRISON LABOR.

The conditions existing in the penal institutions of the Commonwealth with respect to the employment of the inmates in useful industry have been so fully set forth in the Emergency Report submitted by the Commission to the Governor in September last (a copy of which is annexed to this report) and in the comprehensive study of the problem by the Penal Commission of 1913-1915 (submitted to the General Assembly under date of February 15, 1915) that it is not deemed necessary to go into the matter at length in this place. It suffices to call attention to the fact that the conditions described in those reports have not in any material respect been improved. Of approximately 10,000 inmates in the penal and correctional

institutions of the State, less than one-half are usefully employed, not more than one-fourth in productive labor. The economic waste of such a system extended over a century is scarcely less appalling than its inhumanity. By the law a large part of this interminable procession of offending and suffering humanity has been condemned to hard labor. In actual practice nearly all of it has been doomed to wasteful and demoralizing idleness.

The law of June 1, 1915, "providing a system of employment and compensation for the inmates of the Eastern Penitentiary, Western Penitentiary and the Pennsylvania Industrial Reformatory at Huntingdon" and creating a Prison Labor Commission to carry its provisions into effect, has proved almost wholly inoperative, owing primarily to the failure of the Legislature to provide for the compulsory purchase of prison-made goods by the Commonwealth or the political divisions thereof or by public institutions. As a consequence, out of a total population of 3200 in the three institutions to which the authority of the Commission extends, at the close of the year 1918 only 169 were employed under the direction of the Commission. These were distributed as follows:—

| | |
|---------------------------------------|-------|
| Eastern Penitentiary, population..... | 1,371 |
| Caning chairs | 16 |
| Cigarmaking | 11 |
| Shoemaking | 42 |
| Knitting hosiery..... | 38 |
| | — |
| | 107 |
| Absolutely idle..... | 839 |
| Western Penitentiary, population..... | 720 |
| Broommaking | 10 |
| Brushmaking | 2 |
| Weaving | 18 |
| | — |
| | 30 |
| Absolutely idle..... | 393 |

| | |
|---------------------------------------|-----|
| Huntingdon Reformatory, population... | 579 |
| Auto-tagmaking | 32 |

Whether considered as a relief from the crushing burden of expense that our penal establishments entail, or as a remedy for the physical and moral degeneration resulting from enforced idleness, or as a means to equip the inmates for lives of industry and usefulness after their release, a system of prison labor which produces the results set forth in these figures stands self condemned.

To make the plan embodied in the law of 1915 effective, it should further provide:

- (1) That municipalities as well as the Commonwealth and the political divisions thereof and all public institutions shall be required, as far as may be practicable, to supply their needs from the labor of the penal and correctional institutions;
- (2) That the authority of the Commission or of any body in which its powers may be vested shall extend to the reformatory institutions at Darlington, Glen Mills, Morganza and Muncy and to all State, county and municipal institutions of a penal or correctional character;
- (3) That the power of such Commission or body to regulate prison industry be extended to all forms of labor activity of the inmates of such institutions, including farming, road-making, land reclamation, forestry, etc.;
- (4) That such Commission or body be empowered to determine the compensation of prisoners for industrial and other work performed by them and the method of applying such compensation to the use of such prisoners or their dependents;
- (5) That the strict "State use" plan be modified by permitting the sale in the open market, at not less than the market price, of any surplus product resulting from the labor of the

inmates over and above the product disposed of as provided in the act.

V.

THE COUNTY PRISONS.

In Pennsylvania, as in most, if not all, of the other States of the Union, the county jail is the despair of those who look for a better day in the treatment of the wrong-doer. The admiration which our experiments in the reformatory treatment of the young have excited in eminent foreign penologists has turned to loathing when their attention was directed to the county jails. Sir Evelyn Ruggles-Brise, the distinguished head of the English prison system, in an article published a few months after his visit to this country in 1910, described them in the following terms:

"In these gaols it is hardly too much to say that many of the features linger which called forth the wrath and indignation of the great Howard at the end of the eighteenth century. Promiscuity, unsanitary conditions, absence of supervision, idleness and corruption—these remain the features in many places. Even the 'fee' system is still in vogue. The gaolers are still paid by fees for the support of prisoners, and commitments to gaol are common when some other disposition of the case would have been imposed had not the commitment yielded a fee to the sheriff, who is usually in charge of the gaol. In many gaols there are not facilities for medical examination on reception for ventilation, for exercise, or for bathing. * * * The foreign delegates were amazed at this startling inconsistency between the management of the common gaols and that of the State prisons and State reformatories. The evils to which I refer are well known and deplored by that body of earnest and devoted men and women in all sections of American society with whose lofty ideals on the subject

of prison reform and generous aspirations for the humane treatment of the prisoner, the Washington Congress made us every day familiar, but they seem helpless and almost hopeless. * * * I was appealed to by leading men in more than one State, as British representative, to publicly condemn the system, and this I did, at a risk of giving considerable offense. Until the abuses of the gaol system are removed, it is impossible for America to have assigned to her by general consent a place in the vanguard of progress in the domain of '*la science penitentiaire.*'"

Your Commission desires to submit as its considered judgment that the foregoing statement does no injustice to many of the county prisons of this Commonwealth, and that the Legislature can do no greater service, nor one that will reflect more credit on the Commonwealth, than to sweep away the entire county jail system without delay.

Attention has been called elsewhere in this report to the deplorable conditions of idleness which prevail in the prisons of our Commonwealth. These conditions are at their worst in the county institutions. In the last six years the average daily number of prisoners in the county jails of the Commonwealth has been about 6500. Only about one-fourth of these have some form of employment other than domestic service. But when all of the returns are in with regard to the work accomplished, the number of days spent in complete idleness in the course of a year will average more than one million. If we regard the labor of the prisoners as worth fifty cents a day, the amount of waste thus exceeds \$500,000 annually.

In order to obviate this condition of affairs, the General Assembly in 1917 passed an Act (No. 337, P. L. 1917), vesting in the officers in charge of county prisons the privilege of allowing the prisoners to work on county and poorhouse farms. Although only twenty-seven counties have taken advantage of this Act, its results have been very beneficial. The workers have

improved in health, strength and morale, and the produce of their labor has been of material help in the up-keep of the institutions. Unfortunately, the operation of this Act terminates with the close of the war.

A more comprehensive Act was proposed by the Penal Commission of 1913-1915, which recommended the establishment of six industrial farms to be controlled by the State, to which all persons convicted of crime or misdemeanor, and now committed to county institutions, should hereafter be sent. This admirable measure was, however, amended in such a day as to leave the initiative in the creation of such farms and the control thereof to the County Commissioners of the nine groups of counties into which the State was divided for the purpose (No. 399, P. L. 1917). This legislation has fallen flat, not one of the industrial districts having carried the scheme into effect.

Your Commission submits that there is no remedy for the condition of affairs above described other than the complete assumption by the State of the custody and care of the offenders, whether felons or misdemeanants, who are now committed to the county institutions.

Farming for prisoners, as our investigations in other States have clearly shown, has passed beyond the experimental stage. The State of Massachusetts, some years ago, established a penal farm for misdemeanants at Bridgewater. A large tract of ground was purchased, consisting largely of swamp and abandoned land, which, by the use of fertilizers and by drainage, has been brought to a high degree of cultivation. This enterprise has been so signally successful that it is now proposed to move the State Prison at Charlestown to this same farm at Bridgewater.

Perhaps the most successful experiment of the kind has been made in Indiana, where the State has taken over the custody of misdemeanants on the plan which was recommended by the Pennsylvania Penal Commission of 1913-1915, a recommendation which is renewed in this report. The Superintendent of the Indiana State Farm makes the following report:—

"The farm had an average daily population, in 1918, of four hundred and sixty-two prisoners. All institution buildings and outbuildings, the sewer system, power plant, heating and water systems, land reclaiming, farming and gardening, has been done with the labor of misdemeanants at a surprisingly low cost for guards. The Indiana State Farm is allowed fifty-five cents per man per day for its entire maintenance, while the same man in jail, at the present time, will cost more than one dollar per day for the gross maintenance. The fifty-five cents per man per day pays the entire pay roll, subsistence, fuel, light, heat, medical services, clothing, transportation, field and garden seeds, fertilizers, common labor, tools and all other items of maintenance. * * *

"The effect that the Indiana State Farm has had on the jail system of the State is indicated by the following figures: In the year 1914 there were 18,130 commitments to county jails; in 1915, 14,644, and in 1916, 9,896. The doors of the State Farm were opened April 12, 1915, and the full effect of the State Farm was not noticeable until the close of the year 1916. The moral effect of the institution on the misdemeanant class was one very important factor in reducing the jail commitments."

During the year ending September 30, 1918, this penal farm was two-thirds self-supporting, and it is confidently expected that the institution will soon be entirely self-supporting.

New York City has established a reformatory farm of 630 acres at New Hampton, N. Y., to which boys and men from sixteen to thirty years of age are committed. They have no bars, no wall, on restraining thing, except supervision. They have no cell for punishment. From the farm they secure most of their provisions. In handling 2000 prisoners, they have lost only five. The health of the inmates is greatly improved. It is estimated that 45 per cent. of the prisoners there were ad-

dicted to the drug habit. Most of them were sent away restored. What they needed was to be built up by fresh air, good food and exercise, and to be employed in wholesome work. In fact, they have been taught the dignity of labor—a thing to which most of them had hitherto been strangers.

But we need not go beyond the limits of our own State to prove the benefit and success of farming for misdemeanants. The administration of the Allegheny County Workhouse illustrates the economy of providing employment for prisoners on an industrial farm. Here the average daily number of inmates in 1918 was 722. The daily average cost of each inmate was 81 cents, but after deducting the earnings of the inmates, it was only 32 cents. This means that the inmates earned 49 cents a day toward their own maintenance. Their bookkeeping indicates merely the cost of raising the crops. If the institution had charged itself with the produce used by it at the prevailing market price, the net cost would have been much less. The farm has 670 acres, of which 560 acres are farmed and used as pasture. The inmates are continually coming and going. Many of them are committed for ten days or less, and a large part are sentenced for 30 days, while comparatively few of them remain longer than one year. This shows that a great deal of efficient work can be secured, even from those who serve for short terms.

A similarly striking result has been attained in Delaware County under the law of 1911, empowering the judges of the Courts of Common Pleas to release on parole convicts confined in county jails or workhouses under the supervision of designated probation officers. Acting under this law, the President Judge of that county has during the year 1918 paroled a number of inmates of the county jail to work on farm lands rented for the purpose with the remarkable result that only two of the men so paroled made their escape (both being afterwards retaken) and that nearly \$14,000 worth of crops were sold for cash in addition to the vegetables used and stored in the prison. The net profit is estimated at \$7000.

Logically, we cannot avoid the conclusion that the State ought to assume the care of all offenders. The laws are made by the State, and the indictments charge the accused with offenses against the "peace and dignity of the Commonwealth," not against the peace and dignity of the county, municipality or borough. The conclusion is inevitable that the Commonwealth should assume the responsibility for the protection of the community from both felons and misdemeanants. And since such an arrangement as has been proposed will result in reduced taxation, uniformity of management and in larger opportunities for the education and reformation of the delinquent, we feel that the establishment of State industrial farms to receive the delinquents now committed to the county prisons should receive your favorable consideration.

The bill submitted to carry this recommendation into effect omits the counties of Philadelphia and Allegheny from its operation. Allegheny County already has a prison farm which in many ways may be considered a model of its kind. Philadelphia has a farm in connection with the House of Correction which furnishes employment to many prisoners and supplies much produce for the institution. We recommend that at some early date the City of Philadelphia may, by the purchase of more land, extend the advantages of a penal farm to its convict prison and in some way combine under one management the entire penal system of the municipality.

The fee system, whereby the sheriff or warden receives a stipulated sum each day for the board of prisoners, is so liable to abuse that we submit a proposition to abolish the practice in all our prisons. Whenever the profits from boarding the prisoners is a part of the remuneration of the officer in charge, the tendency is doubtless to exploit the prisoners, or to reduce to a minimum the supply of food, in order to derive the greater profit.

In 1915 a comprehensive study of the cost of boarding the prisoners in the largest 25 counties of the Commonwealth indi-

cated that the average daily cost of food per prisoner in the 15 prisons where the food was purchased on the contract system was 12 cents, and in the 10 counties where the fee system was in vogue 33.7 cents, the difference in favor of the contract system being 21.7 cents per day for each prisoner.

We estimate that in these 10 counties alone the saving to the taxpayers by the adoption of the contract system will be at least \$50,000 annually. The economy of the proposition is evident, making due allowance for providing in some counties additional compensation for the official in charge of the prison. In all cases where a change has been made from the fee system to the contract system, the food has improved in character, thus tendering to the betterment of the health and morale of the inmates.

Moved by these considerations, the General Assembly in 1909 provided that in all counties having a population of 150,000 or more, the food for the prisoners must be purchased by contract. We are now proposing to extend this principle to all the counties of the Commonwealth, with the understanding that no such change is to take place during the incumbency of the officials who are at the present time in charge of the prisons.

VI.

PROBATION AND PAROLE.

(a) Under the law of May 10, 1909, the several courts of criminal jurisdiction are invested with the power of suspending sentence on certain classes of convicted offenders and of placing such offenders on probation instead of committing them for definite or indeterminate periods of imprisonment. Probation officers, charged with the duty of supervising the behavior of such probationers, are appointed by the judges to serve in their respective counties. In this Commonwealth, as in many others, experience has demonstrated that there is little uniformity in the practice of the courts in suspending sentence or of the probation officers in exercising their powers.

Conceived as a mere incident of the sentencing power, to be exercised only in exceptional cases, the suspended sentence and probation are beginning to disclose themselves as a momentous, not to say revolutionary step in the progress of penology, not less important in its ultimate consequences than the substitution a century ago of imprisonment for the death penalty and other forms of physical punishment. Like the older forms of punishment which it superseded, imprisonment too has proved a failure, so far at least, as the newer aim of punishment, the reformation of the wrong-doer is concerned. And we are coming to see that the protection which society enjoys through the imprisonment for a few months or years of a small portion of the criminal class is dearly purchased by a system which returns the offender to society less fitted than before to cope with the conditions of a life of freedom. More and more, as we develop a probation service worthy of the name, will the courts be reluctant to commit men, women and children to the demoralizing associations and discipline of institutional life and will give them their chance to redeem themselves under competent guidance and supervision among the associations and activities of everyday life.

Even under existing conditions it is safe to say that far too many adult and youthful offenders convicted of criminal offenses are committed to prison and far too many delinquent children to reformatories and other correctional institutions. Your Commission believes that the suspended sentence should be more liberally employed by the courts of the Commonwealth under strict conditions requiring a life of useful industry under careful supervision; that children under 12 years of age should never be committed to penal or correctional institutions but rather, where institutional care is deemed necessary, to parental schools such as have been established in other States as a part of the regular educational system; and that children of larger growth, say from 12 to 16, should, wherever possible, be placed on probation or put under private guardianship.

Those considerations have led the Commission to the conclusion that the whole subject of the suspended sentence and probation in this Commonwealth should be thoroughly studied in order that the principles that should govern it may be carefully defined and its procedure worked out, supervised and put on a uniform basis. New York and other States have for this purpose created a permanent probation board or commission and the success which has attended their labors suggests the institution of a similar body in this Commonwealth.

(b) The indeterminate sentence, which made its appearance in this Commonwealth in the law of May 10, 1909, has passed through several phases to a state in which its purpose is almost completely defeated. In its original form it provided that the maximum term to be imposed upon a convict who should be sentenced to imprisonment in either the Eastern or the Western Penitentiaries should not exceed the maximum time prescribed by law and that the minimum term when not fixed by law, should not exceed one-fourth of the maximum time. This law was amended by an Act approved June 19, 1911, striking out the restriction as to the minimum sentence, thus leaving to the courts complete discretion to fix the minimum to be served at any period short of the maximum. Many of the courts have in frequent instances virtually nullified the indeterminate sentence principle by imposing minimum sentences so excessive as to bring the judicial office into disrepute. Sentences of from 18 years to 20 and from 19 years to 20 have been common, and there have been cases so grotesque as sentences of 19 years 11 months, or of 19 years, 11 months and 29 days to 20 years, of 23 years and 3 months to 25 years and of 27 to 28 years. These are only the more extreme illustrations of a practice which has been common enough to justify a demand for a law which will result in greater uniformity in the matter of imposing sentences for crime.

At its best the maximum-minimum form of the indeterminate sentence is an unsatisfactory compromise between the ideal aim

of penologists and the traditional attitude of the courts, which cling tenaciously to their ancient prerogative of "making the punishment fit the crime." That the power of determining the period of imprisonment requisite to meet the demands of justice and the interests of society may safely be confided to other than judicial hands has been conceded in the case of all offenders entitled to commitment to reformatories, who are sentenced to an indeterminate term limited only by the maximum fixed by law, or, in the case of minors, to the attainment of their majority, and who may be released on parole in the discretion of the boards of managers of the institutions to which they are committed. It is only in the case of hardened offenders or of those guilty of certain major offenses that a minimum sentence is imposed.

For more than a generation prison reformers have urged the extension of the pure indeterminate sentence to this class of offenders also. Their logic is sound; it is the facts that are against them. The argument runs like this: The offender should be kept in confinement only until he is fitted by his prison experience to lead an honest and useful life; when this end is attained he should be released. The answer is that the prison doesn't in fact reform the wrong-doer; that good behavior under the conditions of prison life is no assurance of the intention or capacity of the prisoner to lead an honest and useful life after his release, and that the inspectors or other paroling authority have no other guide to go by in determining the inmate's fitness for a life of freedom than his prison record. If the reformer makes the obvious retort—"then reform your prison so that it shall reform its inmates, and reform your paroling authority so that it shall make its determination on all the facts of the inmate's personal history including a study of his mental conditions, his heredity and the social influences that have shaped his character," he is admitting that we are not yet ready for the complete acceptance of the indeterminate sentence in all classes of cases.

But there is a middle ground between the position of the extreme reformer and that which has been assumed by the courts of this Commonwealth. If there is to be anything short of a fixed sentence, declared by law, it should be a reasonable minimum which should also be declared by law. The policy of the indeterminate sentence is that the delinquent shall be supervised and guided and his capacity to lead an honest and useful life tested by actual experience under normal conditions of living for a period of years long enough to try out his capacity to readjust himself to a life of freedom in society. For this reason an adequate interval between the expiration of his minimum sentence, when he becomes eligible to parole, and the expiration of his maximum sentence, when he becomes free from judicial control, should be guaranteed by law.

There is great diversity of opinion as to the best form of paroling authority. Generally, as in this Commonwealth, this power is lodged in the inspectors or managers of the several institutions or, in the case of commitments to county prisons, in the courts of criminal jurisdiction. In some States, as in New York, a distinct Board of Parole is constituted which visits the convict prisons at intervals and hears and determines all applications for parole that may be awaiting determination. Neither system has worked with complete satisfaction. Under both the grant of parole is largely a perfunctory matter, the inmates who have served their minimum sentences being generally admitted to parole at once, except in those cases, comparatively rare in number, where the applicant has been penalized for misconduct while in confinement. It would seem, therefore, that the first step toward a reform of the paroling system is not to set up a new paroling authority but to devise some more effective machinery to put before the existing authorities all the essential facts as to the applicant's mental, moral and physical capacity to conduct himself as a self-respecting, useful member of the community. A second, but not less necessary step, is such a change in the spirit and method of prison

discipline as will develop in the inmates by actual practice the qualities of self-respect and self-reliance, the sense of honor and of responsibility and the habit of co-operative action so essential to fit them for a life of freedom and responsibility, and at the same time to equip them with the habits of industry and the vocational skill which will enable them to make good in the life that awaits them beyond the prison-wall.

VII.

GENERAL CONCLUSIONS.

In the foregoing analysis of the penal system of this Commonwealth, the Commission has endeavored not only to present a picture of the existing conditions in the light of modern conceptions of penology but to point out, also, the lines of a sound and progressive development of the system. Most of the suggestions thus made have already been embodied in the penal systems of other States and of enlightened communities beyond the seas. Especially is this the case in such matters as the general employment of the prison population in useful and productive labor and in the substitution of farm and cottage colonies for the old type of prison. In a few of the larger cities and in some institutions promising beginnings have been made in the mental examination of delinquents with a view to the provision of specialized treatment for those found to be mentally afflicted or seriously defective. But in no State or country, as yet, have all these improvements been welded into a comprehensive system which makes them available for the entire delinquent population. The inertia or indifference which leave the extension of these benefits to chance or to the slow contagion of example is unworthy of a great and progressive Commonwealth which has in the past more than once demonstrated its capacity for leadership in penal reform.

It is evident that the general adoption in this State of these modern improvements in the treatment of the criminal problem

can be effected only through the institution of a central agency adapted to secure a co-ordination of effort and a uniformity of development which under the present system of separate control has been demonstrated to be impossible. It seems equally evident, however, that the system of separate management of the several institutions with their diverse aims and problems possesses advantages which we would not willingly sacrifice to an ideal unity. For this reason the Commission has not deemed it wise to recommend the example of other States which have committed the management of all their correctional establishments to a central board of control. Moreover, with such a body as the Board of Public Charities already vested with a certain authority over the penal institutions of the State, it has not been deemed desirable to recommend the creation of a new and independent body to exercise a new jurisdiction over such institutions. It seems better to utilize the authority which already exists, to enlarge its range of functions to meet the needs of the proposed development and to commit the exercise of these functions to a standing committee analogous to the existing Committee on Lunacy. Through such a committee of the Board of Public Charities your Commission believes that the desired co-ordination and future development of the penal system of the Commonwealth can best be secured.

VIII.

RECOMMENDATIONS.

Upon the foregoing facts and conclusions the Commission submits the following recommendations, which are herewith submitted for such action as the General Assembly may deem proper:—

First.—The Commission recommends that the General Assembly provide for the enlargement of the Board of Public

Charities by the addition of two members thereto, at least one of whom shall be a woman, and by the institution of a standing committee of five members of such Board, at least one of whom shall be a woman, such committee, which shall be chosen annually by a majority vote of the Board, to be known as the "Committee on Delinquency" and to be vested with the following powers:—

- (a) To inspect and investigate the condition and management of all penal, correctional and reformatory institutions within the Commonwealth and inquire into all complaints against the same and report thereon, with recommendations of appropriate action, to the Board of Public Charities, the Governor, the General Assembly, or the Courts, as the circumstances may require;
- (b) To institute, maintain and supervise a medical service adapted to the examination of the inmates of such institutions and the proper professional treatment of all such as are mentally or physically afflicted or deficient;
- (c) To make recommendations to the governing authorities of all such institutions for the improvement of the sanitary and hygienic conditions, the medical and hospital equipment, and the medical service thereof;
- (d) To transfer inmates of institutions within its jurisdiction to other institutions owned, managed or controlled by the Commonwealth or any political subdivision thereof, or, if suitable arrangements can be made, to other institutions, where such inmates may receive treatment more suitable to their mental and physical condition;
- (e) To institute, maintain and supervise in institutions within its jurisdiction a system of correctional and reformatory education;
- (f) To institute, maintain and supervise a system for the employment of the inmates of institutions within its jurisdiction;

(g) To prepare and submit to the Board of Public Charities not later than the first day of December of each even-numbered year, a biennial budget for the Committee and of such of the institutions within its jurisdiction as are wholly or partly supported by the Commonwealth, and for that purpose to require of such institutions such reports from time to time as the Committee shall deem necessary; and

(h) To make rules and regulations establishing a uniform system of accounting and bookkeeping in all institutions within its jurisdiction.

It is also recommended that the Committee on Delinquency be authorized and directed to choose a Secretary, not a member of the Board of Public Charities, at a salary of \$7500 per annum, who shall be the executive officer of the Committee and an expert in the care and treatment of delinquents, and who shall be known as the "Commissioner of Delinquency."

Second.—The Commission further recommends that the General Assembly provide by appropriate legislation for the employment of all the able-bodied convicts of the Commonwealth in useful and, so far as possible, in productive labor, and especially, that it vest in the Committee on Delinquency the powers of the Prison Labor Commission and the functions of the Business Agent of such Commission and enlarge such powers and functions as suggested on page 15 of this report.

Third.—The Commission further recommends the enactment of a law establishing four State Industrial Farms, to receive, care for and provide for the useful employment of the inmates of county prisons and jails and of persons hereafter convicted of any offense punishable by imprisonment in any county jail or prison who have been or shall hereafter be sentenced for a term of thirty days or more.

Fourth.—The Commission further recommends that the Act of Assembly approved July 17, 1917 (No. 337), providing for

the employment, during the continuance of the war, of inmates of county jails at agricultural labor on any county or almshouse farm, be amended so as to continue its operations indefinitely after the conclusion of peace.

Fifth.—The Commission further recommends that the General Assembly provide for the purchase of a tract of land, of not less than 600 nor more than 1200 acres, to be used for the benefit of the Eastern Penitentiary as a prison farm.

Sixth.—The Commission further recommends that a law be enacted prohibiting fees or allowances and contracts for furnishing meals to the inmates of county jails or other penal institutions of the Commonwealth.

Seventh.—The Commission further recommends that the Act approved June 19, 1911, authorizing the courts in the case of a person sentenced to a penitentiary to fix as the minimum term of imprisonment any period less than the maximum prescribed by law for the offense of which such person was convicted, be amended by a provision that the minimum limit of the sentence imposed shall never exceed one-third of the maximum prescribed by the Court.

In the foregoing recommendations the Commission has confined itself to matters requiring legislative action and to such only as seem to it to be essential to a consistent, integrated policy of penal administration. All other matters with respect to which the Commission has given expression to its views are either subsidiary to those on which immediate legislative action is recommended or are such as may be properly referred to the wisdom of the proposed Committee on Delinquency for consideration and action. The greatest abuse of the prevailing prison system—the lack of imagination and of understanding

which keeps alive in most of our penal establishments the methods of a severe and repressive discipline—cannot be abolished by legislative decree. The greatest reform of which the system is capable—the awakening in the inmates of the new life which comes from active, responsible participation in the life of the prison community—is equally beyond the reach of legislative action. These will be the fruits of a keener intelligence and of a deeper understanding than have yet, except in a few rare instances, been brought to bear on the problem. But your Commission believes that the plan of penal administration which it has recommended, and which provides for the most thorough-going study and the most intelligent treatment of the individual delinquent which has yet been attempted, will gradually prepare the way for these and other reforms in the penal system of the Commonwealth.

Respectfully submitted,

FLETCHER W. STITES, *Chairman*,
ALFRED E. JONES,
MARTHA P. FALCONER,
LOUIS N. ROBINSON,
ALBERT H. VOTAW,

Commissioners.

GEORGE W. KIRCHWEY,
Counsel to the Commission.

JANUARY 1, 1919.

SPECIAL EMERGENCY REPORT.—No. 1.

To His Excellency, Governor Martin G. Brumbaugh:

Your Commission appointed pursuant to Act No. 409 of the Public Laws of 1917 "to investigate prison systems and the management of correctional institutions within this Commonwealth and elsewhere" and "to recommend such revision of the existing prison system within this Commonwealth * * * as it shall deem wise," impressed with the necessity of mobilizing the unused labor power of the penal institutions of the State for the furtherance of the policy of the National Government in the prosecution of the war, respectfully submits this special emergency report.

The Commonwealth of Pennsylvania has an enviable record as a leader in the cause of penal reform. In more than one instance it has contributed new and original ideas and has given a new direction to the reforming energies of those who have striven for a better solution of the problem of crime. In the field of convict labor however, we have lagged behind other progressive communities. While many other States have during the last quarter of a century made great progress in the introduction of industrial plants into their penal establishments and in the employment of their convict population in roadmaking, farming and other useful and productive work, the traditional "Pennsylvania System" of separate and solitary confinement, supplemented by restrictive legislation, has hampered and delayed a similar development in this State. It is only in the last few years, during your administration, that legislation has been enacted removing the restrictions previously in force and opening the way to the fullest possible employment of the convict population of the State in useful work.* But this legisla-

* Reference is here made to the Act of 1915 (No. 289) providing for the employment of the inmates of the two State Penitentiaries and of the State Reformatory at Huntingdon in the manufacture of goods for public use; to

tion has been to recent to produce any considerable results. Our large convict population, numbering upwards of 10,000 souls, is still for the most part maintained in idleness.

Under ordinary conditions this legislation permitting the general employment of the inmates of our penal institutions might be allowed to work itself out in practice in the leisurely fashion in which such things are generally done in this country. But your Commission is strongly of the opinion that, in the face of the emergency confronting the nation, this habitual attitude of slackness should not be tolerated and that it is our patriotic duty at once to devise and put into effect whatever measures may be necessary to put our convict labor power at the service of the government. To do this will require new measures and a new and more energetic exploitation of our prison labor resources than the laws above referred to—which were conceived in time of peace—have in contemplation. Nothing less than the powers of your high office will be adequate to meet the emergency.

The foreign governments with whose co-operation we are waging war have dealt radically with the problem. The prisons of Italy, France and Great Britain, together with those of the great self-governing commonwealths of Canada, Australia, New Zealand and South Africa, have been almost depopulated, a large proportion of the inmates having been paroled or pardoned for enlistment in the army and navy, where they have for the most part acquitted themselves like men. This solution of the problem is barred to us by the Act of Congress which excludes ex-convicts from service in the armed

the Act of 1915 (No. 357) authorizing the State Highway Commissioner and the Commissioners of the several counties to employ inmates of penal institutions in the construction and repair of State and county roads; to the Act of 1917 (No. 314) authorizing the State Highway Commissioner to requisition inmates of penal institutions for work on State and State-aid highways; to the Act of 1917 creating nine industrial farms for the employment of the inmates of county jails and workhouses, and to the Act of the same year (No. 337) providing for the employment of the inmates of county jails on county farms or almshouse farms. Reference should also be made to the Act of 1911, under which a farm of approximately 5,000 acres was purchased in Centre County for the use of the Western Penitentiary.

forces of the Nation. But, as we are constantly reminded, the war is being fought back at home—in munition works, on the farms and in the mines and wherever productive work can be done—as well as in the battle line, and it is here that our opportunity lies.

No commonwealth in the Union affords opportunities for essential service surpassing those which we possess. The central position which Pennsylvania occupies in the war-work of the National Government, as perhaps the chief source of supply for fuel, shipping, steel and munitions of war, with her countless acres of fruitful land and her thousands of miles of necessary highways, opens up a vista of opportunity to serve the common cause to which we can no longer shut our eyes.

In estimating the man-power available for war-work in our penal establishments, the Commission can give only approximate figures. No complete and trustworthy industrial survey of the convict population of the State has ever been made, and the population statistics which have been placed at our disposal fail in most instances to give detailed information as to the numbers deemed capable of full-time work or even of the number actually employed in useful, productive labor. From the facts at the disposal of the Commission it would appear that the total convict population of the State is somewhat in excess of 10,000, approximately one-half of which is to be found in the six State institutions* and the other half in the seventy county prisons. Approximately 1600 of the total number are children in the three institutions for juvenile delinquents, and as most of these are quite young (under sixteen years of age), and as practically all of them are usefully employed in agriculture or other productive work, they do not enter directly into our problem.

* The Eastern Penitentiary at Philadelphia; the Western Penitentiary at Allegheny and Bellefonte; the State Industrial Reformatory at Huntingdon; the Glen Mills Schools (Sleighton Farms and Glen Mills), and the State Industrial School at Morganza.

Of the 3000 men in the two penitentiaries (including those at Bellefonte) 1200 are reported as unemployed. But, as many of the remaining 1800 are only partially employed or are employed in non-essential industries, it is safe to assume that, if put on a war basis, at least 800 of these would be available for service. A similar deduction might be made from the figures submitted from the Industrial Reformatory at Huntingdon, 90 per cent. of whose inmates are reported to be employed, largely in "trade school work." Putting this institution also on a war basis, it is perhaps not unreasonable to assume that upwards of one-half could be spared for war service. On this calculation, the three State prisons for men and youth of working age should be able to furnish some 2400 men for the contemplated service, without materially impairing the maintenance work of the institutions.

The county jails present more of a problem. They range in population from the 1038 of the Philadelphia County institutions (Moyamensing and the Convict Prison at Holmesburg) to the emptiness of the Pike County jail at Milford. Thirty-three have less than 10 inmates each and only 10 have more than 100. Moreover, the character of the population of the jails is much inferior from the industrial point of view to that of the State prison. There are more "bums," alcoholic wrecks and decayed criminals. But neither of these considerations has much bearing on the problem under consideration. Even the most worthless of the jail population can do the ordinary cleaning and other maintenance work of the institution, thus setting the more able-bodied free for war service. Moreover, the measures which the Commission submits herewith make provision for the employment of every man capable of doing a day's work whether the jail population be large or small.

The further fact that wrongdoers committed to the county prison are usually sentenced for short terms, rarely as long as a year, need not seriously embarrass the operation of the

plan proposed. Many of them, whose criminal practices were due to lack of steady employment, will doubtless be glad to continue the work to which they are assigned after the expiration of their terms, and those of whom this is not true, can be assigned to work requiring no special skill or experience, such as road-making, the production of road material and farm labor.

Only a rough and approximate estimate can be made of the number of inmates of the county prisons who are available for war work. In only a few of the larger institutions has any serious attempt been made to set them at any work other than such as incident to the maintenance of the jail. Of the 492 inmates of the Allegheny County Prison, only about 15 per cent. are employed, leaving over 400 idle. At the same time practically all the 738 inmates of the Workhouse in that County were reported as employed, either in farm work or in manufacturing. The same was true of the 465 inmates of the Philadelphia House of Correction at Holmesburg, whereas the 600 inmates of the County Prison (Moyamensing) are with a few exceptions unemployed.

Upon the whole it is safe to assert—on the basis of investigations conducted by members of the Commission and its counsel—that from one-half to two-thirds of the jail and workhouse population of the State is maintained in idleness or in only desultory and occasional labor. Little use has so far been made of the authority granted by the law of 1917, permitting County Commissioners to employ inmates of jails in agricultural work on county or almshouse farms and not one of the nine districts created by the County Industrial Farm, Workhouse or Reformatory Act of the same year has adopted measures to put the law into operation.

These facts lead irresistibly to the conclusion that not less than 5000 of the inmates of our penal institutions are now available for war work in addition to the number now usefully employed.

This situation has been conservatively but more dramatically described by a member of our Commission, who after a careful investigation made in 1914 and verified in 1916, reported that the Commonwealth was throwing away upwards of a million days of labor every year in its penal institutions.

It must be borne in mind that the numbers given are practically constant, the number of new commitments being approximately equal to the number annually pardoned, paroled and discharged.

To deal with this situation radical measures, suitable only in a war emergency, will be necessary. The lack of an adequate centralized authority to commandeer this wasted labor force, must be made up by the voluntary co-operation of a large number of State and local officials acting under the direction of the Governor in accordance with a comprehensive, well-thought out plan of action. The Commission would respectfully suggest the following as the essential elements of such a plan:—

First.—That the courts of criminal jurisdiction throughout the State be induced to exercise liberally the discretion vested in them by the penal law of suspending sentence and placing on probation for war work persons arraigned before them for sentence. In this way, many persons convicted of crime, who would otherwise be committed to prison or set at large to resume their usual occupations, may be drafted into essential war industries.

The Attorney General of the Commonwealth has already (by letters addressed to the Judges of Quarter Sessions and of Oyer and Terminer under date of April 16, 1918), recommended such action by the courts. This recommendation should be renewed with added emphasis and made the basis of a consistent general policy dictated by the increasing seriousness of the war labor problem.

Second.—That the Board of Pardons be urged to make more extended use of the powers vested in it, with the view of par-

doning for war service such of the inmates of the Eastern and Western Penitentiaries and of the State Industrial Reformatory at Huntingdon, as in their opinion may safely be entrusted with their freedom for this purpose, as well as of all other institutions to whose inmates their jurisdiction extends.

Third.—That the Board of Inspectors of the two State penitentiaries, of the Huntingdon Reformatory, and of other convict prisons where such boards have the power of parole, and the Courts of Quarter Sessions and Oyer and Terminer of the several counties, be instructed to parole for war work such inmates eligible to parole in the institutions to which their authority respectively extends, as in their opinion can wisely be entrusted with their freedom for this purpose.

Fourth.—That the State Highway Commissioner be directed to prepare and put into effect at the earliest practicable moment a comprehensive plan for the utilization of convict labor in the construction and repair of State roads (under the Act of 1917, heretofore referred to), with special reference to such roads as minister to the war needs of the Government.

Fifth.—That the County Commissioners of the several counties be requested to prepare and put into effect similar plans for the employment of convicts on county roads, under the Act of 1917, heretofore referred to.

Sixth.—That the trustees of the nine industrial farms created by the County Industrial Farm, Workhouse and Reformatory Act of 1917, be requested to meet in their respective districts and proceed without delay to carry into effect the provisions of the Act.

Seventh.—That the Prison Labor Commission be instructed to prepare at once a comprehensive plan for the employment of

the inmates of the two State penitentiaries and of the Huntingdon Reformatory in accordance with the Act of 1915, with special reference to the production of goods of an essential character in time of war.

Eighth.—That the Wardens and Boards of Inspectors of the Eastern and Western Penitentiaries and the Superintendent and Board of Inspectors of the Huntingdon Reformatory be requested to secure the use of farm land in the vicinity of their respective institutions for the employment of all the available inmates of such institutions in productive agricultural labor.

Ninth.—That the governing authorities of the several county prisons, workhouses and jails and of the Philadelphia House of Correction be requested to devise and put into effect immediate plans for the employment of their available inmates in productive agricultural labor either on county farms or almshouse farms (as provided in the Joint Resolution of July 15, 1917), or by securing the use of farm land for that purpose.

The experience of other States has demonstrated that the owners of farm lands who have no immediate use for the same are willing from patriotic motives to place them at the service of the State for the purpose indicated.

In order that the labor power thus put into operation shall be employed to the best advantage of the Government in carrying on the war, it is important that a priority scale of essential industries be established with the advice and co-operation of the War Industries Board, and the United States Employment Service in the State of Pennsylvania. In the meantime, the menacing dearth of labor in mining, shipbuilding, airplane construction, steel production and transportation, suggests that qualified convicts who are released for war work should so far as possible be drafted for these forms of service. Roadmaking and agriculture can be carried on by the more trustworthy in-

mates who are not eligible for release. The maintenance work of the institutions and the necessary manufacture of shoes, clothing, etc., for the inmates can be done by those who cannot be trusted in outdoor work and by those too weak for the more strenuous forms of labor.

It is of the highest importance, also, that the powers invoked to carry the foregoing plan into effect shall be exercised generously and fearlessly. We are mobilizing for war and the hesitations and the timidities suitable and natural in time of peace must give way to boldness and resolute action. The prisons must be put on a war basis and purged not only of the shameful idleness characteristic of them but of every form of unessential labor. Because the country above all requires free labor for its war needs, as many convicts as possible should be set free to be employed where the need is greatest. The presumed need of the wrongdoer for further punishment must yield to the supreme necessities of the nation. Because a man can render a greater service on the farm or on the roads than behind the bars, as many men as possible should be put out into the open for the more essential service. Risks must be taken which in ordinary times would be unwise. There may be defections, betrayals of trusts, desertions, but so there are in the armed forces of the nation. It is safe to assume that they will be insignificant in comparison with the advantages of the policy as a whole.

It cannot be expected that a plan which involves such a variety of operations and which calls for the co-operation of so many diverse official agencies can be carried to a successful conclusion without some form of centralized direction. Obviously, the only possible source of such direction is the Governor of the Commonwealth.

In the conviction that the effective mobilization of the labor power of our convict population is a matter of sufficient moment to the Commonwealth and to the country at large to warrant an appeal to your interest and co-operation, the Commission respectfully submits the following mode of procedure:—

- (1) That the Governor call conferences of the Committee of Public Safety of the State, of the Board of Pardons, of leading Judges of the Courts of Criminal Jurisdiction, of the Trustees of the nine Industrial Farms, of the Wardens and Inspectors of the several State prisons and of the Commissioners of some of the more populous counties for the purpose of securing the complete co-operation of all the official agencies necessary to carry on the program to a successful conclusion.
- (2) That the Governor appoint a Prison War Labor Board, to be composed of not less than five and not more than nine citizens of standing in the community, to oversee and direct the administration of the system above outlined—such Board to serve without compensation but if funds are available for the purpose to be supplied with the sums necessary to cover office expenses and the services of an executive director to be appointed by it. The co-operation of the Committee of Public Safety can doubtless be secured for this purpose.
- (3) That the Governor enlist the interest and co-operation of the convict population and of the people of the Commonwealth by issuing a patriotic appeal to them to aid by every means in their power to make the enterprise a success.

In conclusion, your Commission begs to call attention to the permanent benefits to be realized from the execution of such a program. Not only will the Commonwealth have made a substantial contribution to the winning of the war, but the enlightened policy so inaugurated will solve at a stroke the age-long problem of engaging the entire convict population of the State in constructive, profitable activity for the common weal. After this demonstration of the benefits of the new order of things our penal system can never go back to the old system of waste and disorganization. To the convicts themselves, the

program opens a prospect of incalculable benefit. For the first time the State will have recognized them as part and parcel of the Commonwealth, entitled to share with its free citizens in the high purpose, the sacrifices and the achievements which are welding us into one people.

Patriotism is not a monopoly of the free citizen. On the contrary, most of the men who have been put behind the bars for criminal acts, not only love their country and desire to serve her, but passionately crave the opportunity to redeem themselves, in their own eyes and in those of their fellow men, by rendering some patriotic service. That such men make soldiers equal to the best has been demonstrated by the experience of our Allies previously referred to. That they will serve equally well in the fields of patriotic endeavor that we may open to them, the Commission is assured. For the sake of these men, in order that they may by the inspiration of patriotic service be raised to the plane of our citizenship, as well as for the contribution which they may by their labor make to the great cause for which we are fighting, the Commission urges the adoption of the measures herein recommended.

FLETCHER W. STITES,
Chairman.

ALFRED E. JONES,
MARTHA P. FALCONER,
LOUIS N. ROBINSON,
ALBERT H. VOTAW,
Penal Investigating Commission.

GEORGE W. KIRCHWEY,
Counsel to Commission.

SEPTEMBER 1, 1918.

SPECIAL EMERGENCY REPORT.—No. 2.

To His Excellency, Governor Martin G. Brumbaugh:—

Your Commission respectfully calls your attention to the pressing necessity, resulting from war conditions, of giving immediate effect to the Act of the Legislature, approved by you, instituting the State Industrial Home for Women.

This institution, the result of many years of agitation, was created by Act of the Legislature of 1913, for the reception, treatment and care of girls and women between 16 and 30 years of age who should be convicted of crime in any court of criminal jurisdiction in the State.

Its purpose was to provide a more suitable place for the detention and care of women of this class than the State penitentiaries and the workhouses and county jails of the Commonwealth, where no provision is made or facilities exist for the specialized medical treatment and the reformatory influence which such cases pre-eminently require. In taking this enlightened action the Legislature was but following the lead of other progressive States which have in recent years demonstrated the value of such institutions as a means of dealing with the problem of female delinquency. Among institutions of this type which have gained wide recognition it is only necessary to mention the Massachusetts Reformatory for Women at Framingham, the New York State Reformatory for Women at Bedford Hills, the Western House of Refuge for Women at Albion, New York, the New Jersey State Reformatory for Women at Clinton, and the Ohio Reformatory for Women at Marysville. The two New York institutions have a combined population of upwards of 600 inmates and it is estimated that this number could easily be doubled if sufficient room were provided to accommodate all who need the care and treatment that these institutions afford. In Pennsylvania the girls and women for whom the State Industrial

Home was intended now languish in the unsuitable and often degrading confinement of the penitentiaries, workhouses and jails, or are, more frequently, set at large by judges who are unwilling to commit any but the most degraded and dangerous to the ordinary penal establishments.

But these conditions, which have long been a reproach to the Commonwealth, have now been suddenly intensified and rendered acute by the war needs and policies of the nation. National, State and Municipal authorities are energetically co-operating in the effort to maintain the efficiency and morale of the fighting and working forces on which our safety depends by removing from the neighborhood of training camps, shipyards, munition plants, etc., the degraded girls and women who lie in wait for our young men. Laws have been passed and a vast machinery of organized effort set in motion to cope with this evil, but the effort of the law enforcing agencies is paralyzed by the lack of places of detention and treatment to which those who maintain this menace can be committed. For this purpose the jails and workhouses are wholly unfitted. To commit a woman of this class to such a place, where she can neither be adequately treated nor reformed and from which she will in a few weeks or a few months be released to resume her nefarious trade, is manifestly to palter with a critical situation which demands a more drastic remedy. For this reason our prosecuting authorities, both State and Federal, are generally releasing such women on bail or on their own recognizance without putting them to trial.

To open the State Industrial Home for Women for the reception of such offenders would, to the extent of its capacity, conclusively solve this problem. Here they can be put under competent medical and reformatory treatment and, if not reformed, kept in confinement under an indeterminate sentence until the immediate purpose of this segregation has been accomplished.

The original Act instituting the State Industrial Home for Women provided that the institution should be opened as soon

as it had room for the reception of 200 inmates. This Act was amended by the Act of 1915 providing for the transfer of the buildings and grounds to the Board of Managers of the new institution as soon as provision had been made for the care of 50 inmates. Your Commission is advised that the buildings and grounds have now been substantially completed in accordance with the original plans with a capacity for 150 inmates and that, if the work is pushed with the requisite energy they can easily be made ready for occupancy and use by the first of November.

In view of these facts and of the urgency of the situation, the Commission respectfully recommends:—

- (1) That the Building Commission be instructed to complete the work entrusted to them with the utmost possible speed; and
- (2) That you appoint at once the Board of Managers of the institution provided by the Act of 1913 and instruct them to proceed without delay to furnish and equip the buildings so as to have them ready for occupancy as soon as they are completed and in the meantime to appoint the Superintendent and make and publish the rules and regulations for the government of the institution.

Respectfully submitted,

FLETCHER W. STITES,
*Chairman Commission to Investigate
Penal Conditions.*

SEPTEMBER 15, 1918.

AN ACT

For the centralized regulation and supervision of penal, correctional, and reformatory institutions within this Commonwealth, and of the labor of the inmates thereof; creating a Committee on Delinquency to be elected by the Board of Public Charities from its members, with a Commissioner of Delinquency to be appointed by the Committee as its executive officer; providing for the appointment of certain directors and of such other directors, experts, agents, and employees as shall be necessary; enumerating the powers and duties of the Committee; providing for the transfer with the approval of the Courts of inmates from one institution to another; requiring all institutions within the jurisdictions of the Committee to obey its rules and regulations, make reports, and give inmates an opportunity to work at useful employment; providing for the payment of compensation to the inmates of certain institutions within the jurisdiction of the Committee; abolishing the prison Labor Commission; fixing penalties for disobedience of the provisions of this Act, and making an appropriation.

SECTION 1.—*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Board of Public Charities shall appoint a standing committee of five of its members to be known as the Committee on Delinquency. Such Committee shall be chosen within thirty days after the approval of this Act, and annually thereafter, by a majority vote of all of the members of the Board, and at least one member of such Committee shall be a woman. Vacancies in the membership of the Committee shall be filled in like manner. Within thirty days after their selection, the Committee shall each year elect one of its members as chairman.

The members of the Committee shall serve without compensation but shall receive all of their travelling and other necessary expenses incurred in the performance of their official duties.

SECTION 2. The Committee selected under the provisions of this Act shall appoint a secretary, who shall not be a member of the Committee or of the Board of Public Charities. The secretary shall be the executive officer of the Committee and shall be known as the Commissioner of Delinquency. He shall be a person having expert knowledge respecting delinquency, and the care and treatment of delinquents and shall devote his entire time to the duties of his office. He shall be appointed for a term of five years and shall receive a salary of seven thousand, five hundred dollars per annum. The Committee shall have the power to remove the Commissioner at any time for inefficiency, neglect of duty, or misconduct in office, and shall, whenever a vacancy occurs either by death, resignation, or removal from office, appoint a Commissioner to fill the unexpired term.

SECTION 3. Subject to the approval of the Committee on Delinquency, the Commissioner of Delinquency shall appoint a medical director, an educational director, a director of industries, and such other directors, experts, agents, and employees for such terms and at such compensation as shall be fixed by the Committee on Delinquency. The Commissioner with the approval of the Committee shall have the power at any time to remove any director, or any expert, agent, or employee, so appointed.

SECTION 4. The Board of Commissioners of Public Grounds and Buildings shall provide the Committee on Delinquency with suitable rooms in the State Capitol, and elsewhere if neces-

sary, and shall upon requisition of the Commissioner of Delinquency furnish for the Committee such books, stationery, furniture and supplies as may be needed to enable the Committee to properly perform its duties.

The printing and binding necessary in connection with the work of the Committee, or for the preservation of books, documents, and papers filed with the Committee shall be done by the State Printer upon the order of the Superintendent of the Public Printing and Binding upon requisition of the Commissioner of Delinquency.

SECTION 5. The Committee on Delinquency shall have jurisdiction for the purposes of this act over all institutions within this Commonwealth of a penal, correctional, or reformatory character now existing, or which may hereafter be established including industrial farms, workhouses, and reformatories, and reformatory institutions for minors or women, whether managed by the Commonwealth, or any political sub-division thereof or otherwise; *Provided*, That this act shall not be interpreted to deprive any warden, superintendent, or other officer, or board of inspectors, managers, or trustees, of any such institution of the right to manage its affairs, but every such institution shall make such reports to the Committee on Delinquency as the Committee shall be authorized by this Act to require and shall obey the rules and regulations established, and follow the recommendations made, by the Committee as authorized by this Act.

SECTION 6. The Committee on Delinquency shall have the power and its duty shall be:—

(a) To inspect and investigate the condition and management of all institutions within its jurisdiction, and inquire into all complaints against the same, and report thereon with recommendations of appropriate action to the Board of Public Chari-

ties, the Governor, the General Assembly, or the courts, as the circumstances may require;

(b) To institute, maintain, and supervise a medical service to accomplish the purposes enumerated in this Act;

(c) To make recommendations to institutions within its jurisdiction for the improvement of the sanitary and hygienic conditions, the medical and hospital equipment, and the medical service thereof;

(d) To transfer inmates of institutions within its jurisdiction to other institutions owned, managed, or controlled by the Commonwealth or any political sub-division thereof, or if suitable arrangements can be made, to other institutions, where such inmates may receive treatment more suitable to their mental and physical condition; *Provided*, That prior to the transfer from one institution to another of any such inmate, the consent of the Court which committed such inmate shall be procured; *And provided further*, That the person or community responsible for the maintenance of any beneficiary transferred from one institution to another shall be liable to pay to the institution to which such beneficiary shall have been transferred the cost of maintenance of such beneficiary at the rate of the average per capita cost of maintenance in such institutions;

(e) To institute, maintain, and supervise in institutions within its jurisdiction a system of correctional and reformatory education to accomplish the purposes enumerated in this Act;

(f) To institute, maintain, and supervise a system for the employment of the inmates of institutions within its jurisdiction as provided in this Act;

(g) To prepare and submit to the Board of Public Charities, not later than the first day of December of each even-numbered year, a biennial budget for the committee and such of the institutions within its jurisdiction as are wholly or partly supported by the Commonwealth. Such budget shall set forth the expenditures of the Committee and such institutions

during the preceding two years, their estimated financial needs for the succeeding two years, and such other information as the Committee shall deem appropriate.

To enable it to prepare such budget, the Committee shall have the power to require of institutions within its jurisdiction, and such institutions shall prepare and submit, such reports from time to time as the Committee shall deem necessary, but to the extent that reports shall be required by the Committee for the purpose of preparing such budget; institutions within the jurisdiction of the Committee shall not be required to report to the Board of Public Charities; and,

(h) To make rules and regulations establishing a uniform system of accounting and bookkeeping in all institutions within its jurisdiction.

SECTION 7. The medical service which the Committee on Delinquency is by this Act required to institute, maintain, and supervise shall include:—

(a) The prompt and thorough examination of all of the inmates of institutions within its jurisdiction with a view to the proper diagnosis, classification, and treatment of all such persons;

(b) The prescription and maintenance of standards in diagnosis and treatment in all institutions within its jurisdiction and the determination of the qualifications of those selected as physicians, psychiatrists, stewards, or nurses, in such institutions;

(c) The furnishing of instructions in personal and social hygiene to the inmates of all institutions within its jurisdiction, and of instruction in professional training to such officials, employees, or inmates of such institutions as may be called upon to serve as assistants, nurses, or otherwise, in the medical or hospital departments thereof;

(d) The frequent inspection of the institutions within its jurisdiction with respect to their sanitary and hygienic condition, the adequacy of their medical and hospital equipment, and the competency and efficiency of their medical service; and,

(e) The installation and supervision of a proper dietary adequate to the maintenance of the health, efficiency, and morale, of the inmates in all institutions within its jurisdiction.

SECTION 8. The system of correctional and reformatory education which the Committee on Delinquency is by this Act required to institute, maintain, and supervise shall include:—

(a) The prescription and maintenance of standards of correctional and reformatory education in all institutions within its jurisdiction and the determination of the qualifications of those selected as teachers; and,

(b) The education in elementary branches of illiterate and undeveloped inmates of such institutions; the instruction of all inmates of such institutions in the principles, organization, and practice of American government; and the furnishing of a thorough industrial training to any of the inmates of such institutions for whom such training shall be deemed useful and desirable.

SECTION 9. With respect to the labor of the inmates of any institutions within its jurisdiction to which persons are committed for crime or delinquency, the Committee on Delinquency shall have the power and its duty shall be:—

(a) To require every such institution to afford to the inmates thereof, who are physically capable, an opportunity to perform useful labor in such institutions;

(b) To determine what industries shall be established in such institutions and to regulate and supervise the installation of machinery and equipment therein;

(c) To establish rules and regulations for the employment of inmates of such institutions at road-building, quarrying, or crushing stone, agricultural work, land reclamation, or forestry, or other suitable work outside of such institution; and,

(d) To establish rules with regard to the number of hours per day during which such inmates shall be employed; *Provided*, That except in agricultural work such inmates shall not be employed for more than eight hours in any one day.

SECTION 10. With respect to the labor of inmates of such of the institutions within its jurisdiction as are owned or managed and controlled by the Commonwealth or any political subdivision thereof, the committee shall, in addition to the powers and duties enumerated in the preceding section of this act, have the power and its duty shall be:—

(a) To maintain a manufacturing fund for the purposes specified in this section. The original manufacturing fund of the committee shall be the manufacturing fund paid to the committee by the Prison Board Commission, as provided in this act, together with any and all sums due and owing to such Commission, and the unexpended balance of any appropriation made for the use of such commission. To such fund there shall be added from time to time such amount or amounts as shall be appropriated by the General Assembly;

All receipts from the sale of the products, manufactured or produced by the labor of the inmates of any such institution, shall be credited to the manufacturing fund and used for the purchase of machinery, equipment, raw materials, and supplies, and for the payment of wages to such inmates;

(b) To sell to the Commonwealth or to any political subdivision thereof, or any institution, owned, managed, or controlled by the Commonwealth, or any political subdivision thereof, at not more than the prevailing market price the products of the labor of such inmates; *Provided*, That institutions

within the jurisdiction of the Committee owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, shall have the privilege of selling directly such of their agricultural products as they do not consume, but every such institution selling agricultural products shall account for and pay to such committee the proceeds of the sale of such products.

Any surplus of the products of the labor of such inmates which cannot be sold to the Commonwealth, or any political subdivision thereof, or any institution owned, or managed and controlled by the Commonwealth, or a political subdivision thereof, shall be sold in the open market, but any such product sold in the open market shall not be sold for less than the prevailing market price.

Should any institution desire to use the products of the labor of its inmates, other than agricultural products, it shall purchase the same from the Committee on Delinquency.

(c) From time to time to fix the compensation of such inmates for labor performed by them; *Provided*, That the rate of compensation to such inmates shall be based both upon the pecuniary value of the work performed and on the willingness, industry, and good conduct of the inmate performing the same;

(d) To make rules and regulations governing the payment of compensation earned by such inmates. Such rules and regulations may provide for the payment of a part of their compensation to inmates during their term of confinement to be used for such purchases as such rules and regulations shall permit. They shall also provide for the bi-monthly payment of such part of the compensation of such inmates as the committee shall determine to the dependents of such inmates, and for the payment of the unpaid balance of such compensation to such inmates at the time of their discharge, or at periodic intervals on and after their discharge; and,

(e) To establish rules and regulations for the keeping of records and accounts by all such institutions, showing the labor

performed by the inmates thereof, the value of the products thereof, and the wages paid to inmates, or their dependents, or both.

SECTION 11. All wages paid to the inmates of institutions within the jurisdiction of the Committee on Delinquency owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, shall be paid out of the committee's manufacturing fund upon the order of the warden, superintendent, or other proper officer of the institution in, or in connection with, which the labor shall have been performed.

SECTION 12. The Prison Labor Commission created by the act approved the first day of June one thousand nine hundred and fifteen, entitled "An act providing a system of employment and compensation for the inmates of the Eastern Penitentiary, Western Penitentiary, and the Pennsylvania Industrial Reformatory at Huntingdon, and for such other correctional institutions as shall be hereafter established by the Commonwealth, and making an appropriation therefor" is hereby abolished, and shall cease to exist, thirty days after the chairman of the committee on delinquency shall have notified the Prison Labor Commission in writing that the Committee on Delinquency has been duly organized as provided in this act. Within such period of thirty days the Prison Labor Commission shall transfer and set over to the Committee on Delinquency all books, papers, and records, and all moneys and evidences of debt, in its possession, and the Auditor General is hereby authorized and directed to draw a warrant on the State Treasurer for the payment to the Committee on Delinquency of the unexpended balance of any appropriation made for the use of the Prison Labor Commission..

SECTION 13. For the purpose of inspecting any institution within the jurisdiction of the Committee on Delinquency, such

committee, the Commissioner of Delinquency, and any director, expert, agent, or employee, deputized by the Commissioner of Delinquency for the purpose, shall have free access to the grounds, buildings, and all books, papers, and records of such institution, and all persons, connected with any such institution, are hereby directed and required to give such information and to afford such facilities for inspection as the person making such inspection may require. Any officer or person connected with such institution who shall refuse to admit the Committee on Delinquency, the Commissioner of Delinquency, or any director, expert, agent, or employee, deputized by him for the purpose, or who shall refuse to give any information, or furnish any facility, necessary for the examination and inspection of such institution, shall be guilty of a misdemeanor, and shall upon conviction in the proper court be subject to a fine of one hundred dollars which sum when so recovered shall be paid into the treasury of the Commonwealth.

SECTION 14. Should the warden, superintendent, or other officer, or officers, or the board of inspectors, managers, or trustees of any institution, within the jurisdiction of the Committee on Delinquency, which is owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, fail to obey the rules and regulations established, or to make any report required, by the Committee on Delinquency under the authority of this act, the Committee on Delinquency shall certify such fact to the Governor or other officer or officers of this Commonwealth or of the appropriate political subdivision thereof, who shall have appointed such warden, superintendent, or other officer, or officers, or board of inspectors, managers, and trustees, and any such warden, superintendent, officer, or member of a board of inspectors, managers, or trustees, shall be guilty of a misdemeanor and shall upon conviction in the proper court be subject to a fine of one hun-

dred dollars, which sum when so recovered shall be paid into the treasury of the Commonwealth.

Should any institution within the jurisdiction of the Committee on Delinquency which is not owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, fail to obey such rules and regulations, or make such report, such institution shall not be entitled to receive any financial assistance from the Commonwealth, and it shall be unlawful for the Auditor General, after having received notice in writing from the Committee on Delinquency that any such institution has failed to obey such rules or regulations, or to make such report, to issue a warrant for the payment of any money appropriated to such institution so long as such institution shall continue to refuse to obey such rules and regulations, or to make such report.

SECTION 15. All salaries, compensation, and expenses, payable under this act, except wages for labor performed by inmates shall be paid by the State Treasurer on the warrant of the Auditor General.

SECTION 16. To carry out the purposes of this act the sum of two hundred thousand dollars, (\$200,000), or such part thereof as shall be necessary is hereby appropriated to the Committee on Delinquency.

SECTION 17. All acts and parts of acts inconsistent herewith are hereby repealed.

AN ACT

Providing for the appointment by the Governor with the advice and consent of the Senate of two additional members of the Board of Public Charities.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, That the Governor shall, within thirty days after the approval of this act with the advice and consent of the Senate, appoint two additional members to the Board of Public Charities at least one of whom shall be a woman. The said additional members shall be appointed for a term of five years and, in the event that any vacancy shall occur by death or resignation, the Governor shall, with the advice and consent of the Senate, fill such vacancy by appointment for the unexpired term. The Governor shall have such power of removal with regard to such members as is now provided by law with respect to the other members of the Board.

AN ACT

Requiring the Commonwealth, and all political subdivisions thereof, and all public institutions owned, or managed and controlled by the Commonwealth or any political subdivision thereof, to purchase certain supplies and materials from the Committee on Delinquency of this Commonwealth; providing for the administration of this act by the Committee on Delinquency and others; making it unlawful, under certain circumstances, for the Auditor General of the Commonwealth, or the Controller, or other auditing officer of any political subdivision thereof, to approve, or the treasurer of any institution owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, to pay any bill for such supplies and materials purchased elsewhere, and providing for the determination by a board of arbitration, chosen for the purpose, of disagreements arising in the administration of this act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Commonwealth, and all political subdivisions thereof, and all institutions owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, shall purchase from the Committee on Delinquency of this Commonwealth all materials and supplies required by them whenever such committee shall be able to furnish such supplies and materials, or a substantial equivalent thereof, manufactured or produced by the labor of inmates of institutions within the jurisdiction of such committee.

SECTION 2. On or before the fifteenth day of December of each year, the Committee on Delinquency shall prepare a list of classes of all supplies and materials, so manufactured or produced, which it will be prepared to furnish during the year

commencing on the first day of January next ensuing. A copy of such list shall be mailed by the Committee on Delinquency to the Auditor General of the Commonwealth, the auditing officer or officers of every political subdivision thereof, and the treasurer of every institution owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, and, upon application, to any officer or department of the Commonwealth, or of any political subdivision thereof, and to any officer of a public institution owned, or managed and controlled by the Commonwealth, or a political subdivision thereof.

SECTION 3. Before purchasing any supplies or any materials belonging to any class in the annual list prepared by the Committee on Delinquency otherwise than from such committee, the proper purchasing officer or officers of the Commonwealth, or of any political subdivision thereof, or of any institution owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, shall on and after the first day of January, one thousand, nine hundred and twenty, inquire of the Committee on Delinquency whether it is able to furnish the particular supplies or materials desired, or a substantial equivalent thereof, and shall purchase such materials or supplies, or a substantial equivalent thereof, from such committee, if such supplies or materials, or a substantial equivalent thereof, can be furnished by it.

It shall be the duty of the Committee on Delinquency promptly to reply in writing to all inquiries regarding the supplies and materials which it is prepared to furnish.

SECTION 4. On or before the fifteenth day of October of each year the officer or officers whose duty it is to make purchases for the Commonwealth, or any political subdivision thereof, or any institution, owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, shall furnish to the Committee on Delinquency an estimate of the character and

quantity of supplies of materials which in the opinion of such officer or officers it will be necessary to purchase for the Commonwealth, the political subdivision thereof, or the institution as the case may be.

SECTION 5. On and after the first day of January one thousand, nine hundred and twenty, it shall not be lawful for the Auditor General of the Commonwealth, or for the auditing officer or officers of any political subdivision thereof, or for the treasurer of any institution owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, to approve any bill for supplies or materials belonging to any class included in the annual list prepared by the Committee on Delinquency if purchased otherwise than from such Committee during the year for which such list shall have been prepared, unless there shall accompany such bill a letter from the Committee on Delinquency stating that it has been impossible for such committee to furnish the particular supplies or materials desired, or a substantial equivalent thereof.

SECTION 6. Whenever there shall be a disagreement between the Committee on Delinquency, and the Commonwealth, or any political subdivision thereof, or any institution owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, on the question whether the Committee on Delinquency is able to furnish a substantial equivalent of any materials or supplies desired by the Commonwealth, or such political subdivision, or such institution, a board of arbitration shall forthwith be created to determine the question. Such board shall consist of three members. One of such members shall be appointed by the Committee on Delinquency, one shall be appointed by the chief executive officer of the Commonwealth, or of the political subdivision thereof, or of the institution as the case may be, and the two members thus appointed shall choose the third member. Should the two members thus

appointed fail within ten days to choose the third member of the board either of them may by petition setting forth the facts apply to the president judge of the Court of Common Pleas of Dauphin County who shall forthwith choose a third member of such board.

Immediately after its selection any such board shall meet and determine the question before it. It shall report its decision in writing to the Committee on Delinquency and such decision shall be final and binding both upon the Committee on Delinquency and the Commonwealth, or political subdivision, or institution, as the case may be.

SECTION 7. All acts or parts of acts inconsistent herewith are hereby repealed.

TEXT OF THE BILLS PROPOSED BY THE
COMMISSION.

AN ACT

Establishing four state industrial farms dividing the State into districts for such purpose; authorizing the purchase of sites and the erection and equipment of buildings and works for such institutions; providing for their government and control by boards of managers appointed by the Governor and the Committee on Delinquency of this Commonwealth, and for the commitment, admission, transfer, employment, and discharge of inmates imposing the cost of maintaining, and, except in certain cases, transporting inmates on the counties; and of sites, buildings, improvements, overhead expenses, and the transportation of certain prisoners on the Commonwealth; exempting state industrial farms from taxation and making an appropriation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That this act shall be known and may be cited as "The State Industrial Farms Act of one thousand nine hundred and nineteen."

SECTION 2. There are hereby established four state industrial farms for the first, second, third, and fourth districts respectively.

SECTION 3. The first district shall comprise the counties of Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, and York; and the state industrial farm therein located shall be known as the "Southeastern Industrial Farm."

The second district shall comprise the counties of Brad-

ford, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming; and the state industrial farm therein located shall be known as the "Northeastern Industrial Farm."

The third district shall comprise the counties of Armstrong, Butler, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango, and Warren; and the state industrial farm therein located shall be known as the "Northwestern Industrial Farm."

The fourth district shall comprise the counties of Adams, Beaver, Bedford, Blair, Cambria, Cumberland, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Perry, Somerset, Washington, and Westmoreland; and the state industrial farm therein located shall be known as the "Southwestern Industrial Farm."

'SECTION 4. Upon the approval of this act a board of managers for each district shall be appointed by the Governor. Each board shall consist of either five or seven reputable citizens, one or two of whom shall be women. The members of such boards shall serve without compensation, but all of their expenses actually and necessarily incurred shall be paid by the State Treasurer on the warrant of the Auditor General, which shall be issued upon the order of the board, countersigned by the secretary of the Committee of Delinquency of this Commonwealth. The members of the various boards shall serve for a term of five years and their successors for the same period. The Governor may remove any of the managers for misconduct, incompetency, or neglect of duty, and in case of a vacancy for any cause shall fill such vacancy by appointment for the unexpired term.

SECTION 5. The board of managers of each district is hereby authorized by a majority vote to select a suitable

site for the state industrial farm of the district. Such site shall be within the district, and shall either be chosen from lands donated to the Commonwealth for the purpose or purchased by the board with moneys appropriated—or donated for the purpose; *Provided*, That any such site shall not contain more than two thousand (2,000) acres. The title to land donated or purchased as herein provided shall be taken and held in the name of "The Commonwealth of Pennsylvania," and shall be examined and approved by the Attorney General prior to the acceptance or purchase of the land. In the selection of a site the board of managers shall take into consideration the objects and purposes of the institution, the accessibility of any proposed site to the counties included in the district, and all or as many as practicable of the following enumerated advantages and resources. The land selected and purchased shall be of varied topography with natural resources and advantages for many forms of husbandry, fruit growing, and stockraising; for brick-making, and for the preparation of all other road and paving material; and shall have good railroad drainage, sewage, and water facilities. Waste land or land requiring drainage may be selected if deemed susceptible of profitable cultivation after its improvement.

SECTION 6. All buildings constructed in pursuance of this act shall be plain and inexpensive in character and the labor in constructing such buildings, improvements and facilities shall be supplied by persons committed to the state industrial farm or confined in State or county penal, reformatory, or correctional institutions so far as found practicable.

The boards of managers shall procure all necessary materials; erect and equip such buildings; employ such skilled labor as cannot be furnished by the persons committed to their respective industrial farms or by persons confined in State, or county penal, reformatory or correctional institutions and

provide all proper facilities for their use and for the practical use of the institution.

When the board of managers of any State industrial farm shall have made all preliminary arrangements for the construction of the buildings and equipment therein, they shall notify the Governor who shall issue a proclamation announcing such fact, and thereafter prisoners having more than thirty days to serve shall be transferred to such State industrial farm from any jail or workhouse in that district on the order of the Governor.

SECTION 7. The boards of inspectors of the State penitentiaries, and of the Pennsylvania Industrial Reformatory at Huntingdon, upon the request of a board of managers of a State industrial farm, are hereby authorized to transfer to such State industrial farm from their respective institutions any prisoners of special or mechanical ability therein who may be found in the judgment of such board and the board of managers of such State industrial farm suitable for the purpose, and provide transportation and proper guards for such prisoners and while such prisoners remain at such State industrial farm they shall be subject to the orders of the inspectors of the institution from which they were transferred as to their return, and in all other respect, except as to discipline and government. While at such State industrial farm they shall be under the control, discipline, and government, and subject to the orders, of the board of managers of such State industrial farm and its executive officers.

The expense of transporting and transferring prisoners used in the construction of buildings and equipment to and from any State industrial farm shall be paid by the State Treasurer upon the warrant of the Auditor General out of any moneys appropriated for the establishment of such State industrial farm. The Auditor General shall issue warrants for such purpose upon the order of the execu-

tive officer of the board of managers of such State industrial farm.

The maintenance of such prisoners as are transferred from a State penitentiary or reformatory shall be paid by the institution from which they are transferred, but the cost of such maintenance in excess of the average per capita cost of maintaining prisoners at the institution from which such prisoners shall have been transferred shall be refunded to any such institution out of any moneys appropriated for the establishment of the State industrial farm.

SECTION 8. When any State industrial farm shall have been established and ready for operation, a superintendent and matron and such other officers as may be deemed necessary shall be appointed by the proper board of managers. Any persons so appointed shall hold their offices respectively during the pleasure of the board of managers. The compensation of all such persons shall be fixed by the board of managers.

SECTION 9. When in any district the arrangements for the reception of inmates shall have been completed, the Court of quarter sessions of every county embraced in such district shall transfer from the county prisons and jails respectively to the State industrial farm of the district all persons who shall have been sentenced to any of said county prisons and jails for any crime, misdemeanor or felony, murder and voluntary manslaughter excepted, or who shall have been committed to any of such county prisons and jails for non-payment of any fine or penalty, or for non-payment of costs, or for default in complying with any order of court entered in any prosecution for desertion or non-support, and any other persons legally confined in any of said county jails or prisons except persons confined awaiting trial or detained as witnesses; *Provided*, That any person whose term will expire within thirty days shall not be transferred.

Thereafter, when any person is convicted in any of the said courts of any offense, crime, misdemeanor, or felony, murder and voluntary manslaughter excepted, the punishment of which is or may hereafter be imprisonment in any county jail or prison, the said court shall, if sentence of imprisonment for thirty days or more be imposed upon such person, commit such person to the State industrial farm of the district in which said court may have jurisdiction. If sentence of imprisonment for more than ten but less than thirty days be imposed, the court may in its discretion commit such person to the State industrial farm for the district.

Courts of record and courts not of record of the counties included in any such district shall hereafter commit to the State industrial farm of the district all persons who might be lawfully committed to the county jail or prison on charges of vagrancy, drunkenness, or disorderly conduct, or for default or non-payment of any costs, fine, or penalty, or for default in complying with any order of court entered in any prosecution for desertion or non-support, where in any such case the commitment will be for a period of thirty days or more. If the commitment be from ten to thirty days the committing authority may in its discretion commit any such person to the State industrial farm.

The superintendent may under the direction of the court of quarter sessions remove any inmate to the county jail for the unexpired term of his or her term of commitment, or to the poorhouse of the proper city or county, or to any hospital or lunatic asylum in such county as circumstances may require.

SECTION 10. The cost of transporting any persons committed to a State industrial farm shall be paid by the county from which the prisoner is committed, and the sheriff of the county shall receive the same mileage, and fees for prisoners committed to a State industrial farm as are now allowed by law for transporting prisoners committed to the

State penitentiaries. When any prisoner is discharged from a State industrial farm the superintendent thereof shall procure for him a railroad ticket to any point to which said prisoner may desire to go not farther from such State industrial farm than the point from which he was sentenced, and it shall be the duty of the superintendent, or his duly authorized agent, to accompany the prisoner to the railroad station, deliver the ticket to the proper railroad conductor, and formally release the prisoner on the train which he takes for his destination.

SECTION 11. It shall be the purpose of every State industrial farm to employ the prisoners committed, or transferred thereto, in work on or about the buildings and farm, and in growing produce and supplies for its own use, and for the other institutions of the Commonwealth, in the preparation of road materials and in making brick, tile, paving material, and such other products or materials as may be found practicable for the use of the Commonwealth, or any political subdivision therein, and in other industries which may be approved by the board of managers of the State industrial farm and the Committee on Delinquency of this Commonwealth. Should any State industrial farm produce supplies or materials in excess of its needs and demands, or in excess of the demands of the Commonwealth, or of any political subdivision thereof, such surplus may be sold by the Committee on Delinquency at the prevailing market price.

SECTION 12. Any State industrial farm shall make such reports and keep such accounts as are now or may hereafter be required by law, and shall in all such matters be subject to the rules and regulations established by the Committee on Delinquency.

SECTION 13. The original cost of the site and buildings of any State industrial farm, and all additions thereto, and all fixed overhead charges in conducting the institution, shall

be paid by the Commonwealth out of moneys appropriated for the purpose by the General Assembly.

The cost of the care and maintenance of the inmates of such institution shall be certified monthly to the counties from which inmates shall have been committed. Such cost shall be paid by the counties in proportion to the number of days spent by the inmates committed from each county. All payments shall be on requisition of the board of managers and on warrants of the county commissioners countersigned by the county controller.

SECTION 14. Whenever it shall be found that any State industrial farm can accommodate and care for a greater number of prisoners, the Committee on Delinquency with approval of the Governor may order to be transferred to such State industrial farm from the State penitentiaries, or from the Pennsylvania Industrial Reformatory at Huntingdon, or from any other State industrial farm such prisoner or prisoners as in the opinion of the Committee on Delinquency will be improved in health or in industrial development or otherwise by such transfer. Any prisoner so transferred may be returned to the institution from which he was transferred whenever the Committee on Delinquency after consultation with the board of managers of the State industrial farm to which said prisoner may have been transferred and with the approval of the Governor shall consider such return advisable.

The cost of transporting any prisoner transferred as provided in this section shall be paid out of the moneys appropriated by the General Assembly to the Committee on Delinquency.

The cost of the maintenance and care of any prisoner so transferred shall be paid by the county in which he shall have been convicted on the basis of the average daily charge for maintaining prisoners at the State industrial farm to which such prisoner shall have been transferred.

Full information respecting the transfer of any prisoner or prisoners shall be promptly forwarded by the Committee on Delinquency to the proper officials of the county in which such prisoner or prisoners have been convicted or sentenced.

SECTION 15. All the property real and personal authorized to be held by virtue of this act shall be exempt from taxation by the Commonwealth or any political subdivision thereof.

SECTION 16. The rules and regulations governing State industrial farms shall be uniform and shall be made by the Committee on Delinquency. They shall be general in character and the respective boards of managers of each institution may add local rules not inconsistent with the spirit and substance of the regulations adopted by the Committee on Delinquency.

SECTION 17. To carry out the purposes of this act the sum of two hundred thousand dollars (\$200,000), or so much thereof as shall be necessary, is hereby appropriated but not more than fifty thousand dollars (\$50,000) shall be expended for the purchase and equipment of the State industrial farm of any district.

SECTION 18. The act approved the twentieth day of July one thousand nine hundred and seventeen entitled:—"An Act establishing nine county industrial farms, workhouses, and reformatories; dividing the State into districts for such purpose; authorizing the purchase of sites and the erection and equipment of buildings and works for such institutions; providing for their government and control and for the commitment, admission, employment, and discharge of inmates; providing for an apartment for inebriates and the admission and commitment of inmates thereto; imposing the cost of maintenance on the inmates in certain cases; imposing the cost of the institutions and the maintenance of certain inmates on the counties, and conferring certain powers and duties on certain county officers," and all other acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

AN ACT

Providing for the purchase of a tract of land to be used for the benefit of the Eastern Penitentiary; regulating the operation of the tract and the duties of the Secretary of Agriculture, and the Commissioner of Forestry, and making an appropriation.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, That the Board of Inspectors of the Eastern Penitentiary is authorized to purchase a tract of land in eastern Pennsylvania, containing not less than six hundred or more than twelve hundred acres, and suitable for general agriculture, fruit-raising, and stock-raising, with provision also for brick making, and the preparation of road and paving materials. A tract shall be selected which as far as practicable has good railroad drainage, sewerage, and water facilities.

SECTION 2. Suitable and sufficient buildings shall be erected, and the work of constructing buildings, outhouses and other structures of any nature, shall so far as practicable be performed by inmates of the Penitentiary.

SECTION 3. The Board shall provide the tract with sufficient stock and poultry to aid in carrying out the intent of this act.

SECTION 4. In carrying out the purposes of this act, a contract for performance of work, or furnishing of material, which exceeds five hundred dollars shall be let only after advertisement and competitive bidding.

SECTION 5. The Secretary of Agriculture shall provide from time to time, when requested by the Board, competent experts in

agriculture under whose supervision and counsel the tract of land shall be operated. The Commissioner of Forestry shall likewise on request provide experts in forestry to counsel and supervise as aforesaid.

SECTION 6. In addition to the agricultural work herein provided for, the inmates may be employed at other occupations and trades.

SECTION 7. The tract of land herein provided for shall be operated for the benefit of the Penitentiary, and with an aim to develop to the highest degree the mental, moral, and physical qualities of the inmates of the Penitentiary. So far as practicable the tract shall be operated by the inmates of the institution, who may be removed to the tract in the discretion and under the regulations of the Board.

SECTION 8. To carry out the purposes of this act the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, is hereby specifically appropriated. Payment of such moneys shall be on requisition of the Board and on warrant of the Auditor General.

AN ACT

Prohibiting fees or allowances and contracts for furnishing meals to the inmates of penal, correctional, or reformatory institutions, owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, and providing for, and regulating the purchase of foodstuffs, and other materials necessary for furnishing meals to such inmates and the preparation thereof.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, That from and after the approval of this act, it shall be unlawful for the Commonwealth or any political subdivision thereof or the board of inspectors, managers, trustees, or other officers of any penal, correctional, or reformatory institution, owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, to enter into a contract with the warden, superintendent, or other officer in charge of any such institution, or with any other person, agreeing to pay to such warden, superintendent or other officer or person a fixed price per meal or per day, week, month, or year, for meals furnished to the inmates of any such institution.

SECTION 2. All fees and allowances to the sheriff, or other officer, or officers, of any county, or other political subdivision thereof, or to any warden, superintendent, or other officer, or officers, of any penal, correctional, or reformatory institution, owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, for supplying meals to the inmates of such institution are hereby abolished and declared unlawful; Provided, That this section shall not affect the fees or allowances of any sheriff, warden, superintendent, or other officer now in office, or employed, during the term for which he

shall have been elected, appointed, or employed, as the case may be.

SECTION 3. All food stuffs and other materials required to supply meals to the inmates of penal, correctional, and reformatory institutions, owned, or managed and controlled by the Commonwealth, or any political subdivision thereof, shall be purchased, and paid for as other supplies required for use in such institutions are purchased and paid for, and all meals for such inmates shall be prepared and served by persons employed for the purpose at such weekly, monthly, or annual compensation, as the authorities in charge of such institutions shall prescribe; *Provided*, That all contracts for furnishing foodstuffs or other materials required to supply meals to such inmates involving an expenditure of more than one hundred dollars shall be awarded to the lowest satisfactory bidder after public advertisement in at least two newspapers of general circulation in the political subdivision in which the institution requiring such foodstuffs or materials is located.

SECTION 4. All acts or parts of acts inconsistent herewith are hereby repealed.

AN ACT

Amending section six of an act entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their re-arrest and conviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," approved the nineteenth day of June one thousand nine hundred eleven, by providing that the minimum sentence shall in no case exceed one-third of the maximum sentence.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That section six of an act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand and fifty-five) entitled, "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their re-arrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," which reads as follows:

"**SECTION 6.** Whenever any person, convicted in any court of this Commonwealth of any crime, shall be sentenced to imprisonment in any penitentiary of the State, the court, instead of pronouncing upon such convict a definite or fixed term of imprisonment, shall pronounce upon such convict a sentence of imprisonment for an indefinite term, stating in such sentence the minimum and maximum limits thereof; and the maximum

limit shall never exceed the maximum time now or hereafter prescribed as a penalty for such offense: *Provided*, That no persons sentenced for an indeterminate term shall be entitled to any benefits under the act, entitled "An Act providing for the commutation of sentences for good behavior of convicts in prisons, penitentiaries, workhouses, and county jails in this State, and regulations governing the same," approved the eleventh day of May, Anno Domini one thousand nine hundred and one," is hereby amended to read as follows:

SECTION 6. Whenever any person convicted in any court of this Commonwealth of any crime, shall be sentenced to imprisonment for a period exceeding one year in any penitentiary or other institution of this Commonwealth, or in any county or municipal institution, the court, instead of pronouncing upon such convict a definite or fixed term of imprisonment, shall pronounce upon such convict a sentence of imprisonment for an indefinite term: stating in such sentence the minimum and maximum limits thereof; and the maximum limit thereof shall never exceed the maximum time now or hereafter prescribed as a penalty for such offense, and the minimum limit shall never exceed one-third of the maximum sentence prescribed by any court: *Provided*, That any convict in the State Penitentiaries who is now serving under a sentence or sentences imposed after the thirtieth day of June, Anno Domini one thousand nine hundred and eleven, may when he or she shall have served one-third of such maximum sentence or sentences, be eligible to parole under the provisions and subject to the conditions of the act to which this is an amendment. *And provided, further*, That no person sentenced for an indeterminate term shall be entitled to any benefits under the act entitled, "An act providing for the commutation of sentences for good behavior of convicts in prisons, penitentiaries, workhouses, and county jails in this State, and regulations governing the same," approved the eleventh day May, Anno Domini one thousand nine hundred and one.

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